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Financing of the United Nations Interim Administration Mission in Kosovo

Financial performance report of the United Nations Interim Administration Mission in Kosovo for the period from 1 July 2000 to 30 June 2001

Report of the Secretary-General

Summary

The present document contains the financial performance report of the United Nations Interim Administration Mission in Kosovo (UNMIK) for the period from 1 July 2000 to 30 June 2001. The General Assembly, by its resolution 55/227 A of 23 December 2000, appropriated an amount of $450 million gross ($422,053,500 net) for the same period.

Expenditures for the period totalled $383,462,000 gross ($360,687,000 net), resulting in an unencumbered balance of $66,538,000 gross ($61,366,500 net).

The unencumbered balance resulted mainly from the lower costs of international and local staff.

The action to be taken by the General Assembly in connection with the financing of the Mission is set out in paragraph 16 of the present report.

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I. Introduction

1. The United Nations Interim Administration Mission In Kosovo (UNMIK) was established by Security Council resolution 1244 (1999) of 10 June 1999 to establish an international civil presence in Kosovo in order to provide an interim administration for Kosovo under which the people of Kosovo could enjoy substantial autonomy within the Federal Republic of Yugoslavia, and which would provide transitional administration while establishing and overseeing the development of provisional democratic self-governing institutions to ensure conditions for a peaceful and normal life for all inhabitants of Kosovo.

2. The budget for the maintenance of UNMIK for the period from 1 July 2000 to 30 June 2001 was set out in the report of the Secretary-General of 12 October 2000 (A/55/477) and amounted to $474,401,800 gross ($446,239,700 net). It provided for 42 military liaison officers, 4,718 civilian police, 1,357 international staff, 3,983 local staff, 11 National Officers and 203 United Nations Volunteers. The Advisory Committee on Administrative and Budgetary Questions, in paragraph 61 of its report dated 13 November 2000 (A/55/624), recommended that the General Assembly appropriate $450 million gross for the period from 1 July 2000 to 30 June 2001.

3. The General Assembly, by its resolution 55/227 A of 23 December 2000, appropriated an amount of $450 million gross ($422,053,500 net) for the maintenance of the Mission for the period from 1 July 2000 to 30 June 2001, inclusive of the amount of $220 million gross ($207,407,400 net) authorized by it in its resolution 54/245 B of 15 June 2000. The total amount has been assessed on Member States.

II. Implementation of the budget

4. Information on the operations of UNMIK and on the situation on the ground during the period under review is contained in the reports of the Secretary-General to the Security Council dated 18 September 2000 (S/2000/878 and Add.1), 15 December 2000 (S/2000/1196 and Add.1), 13 March 2001 (S/2001/218 and Add.1) and 7 June 2001 (S/2001/565).

5. The vacancy rates for international and local staff continued to decrease during the reporting period. Compared to the average vacancy rates of 50 per cent for international staff and 34 per cent for local staff during the first year of operation, the average vacancy rates during the period under review were 16 per cent for international staff and 8 per cent for local staff. These vacancy rates were slightly higher than projected in the budget estimates (15 per cent for international staff and 5 per cent for local staff). The average vacancy rate for civilian police was 9 per cent, as compared to the projected 5 per cent. The unutilized resources in the civilian personnel category, which represent 64 per cent of the overall savings for the period, resulted from the appointment of international staff at lower levels than authorized, discontinuation of the hazardous duty station allowance in Pristina municipality in February 2001 and higher vacancy rates.

6. As the Mission exhausted the available supply of state and publicly owned facilities that could be repaired economically and quickly to create suitable office space in the latter part of the budget period, it focused its efforts on procuring and establishing movable or removable prefabricated buildings. The relatively mild

weather for most of the winter period allowed virtually uninterrupted implementation of work schedules for engineering and communications.

7. Public utilities continued to be in very poor condition and this resulted in unreliable power supplies, forcing the Mission to rely heavily on generator power. The local telephone system is still not adequate and, owing to the level and urgency of communications required in the Mission, it was necessary to improve the UNMIK telecommunications network so as to make it capable of meeting the Mission's immediate demands, along with some technical capacity for growth. Accordingly, the Mission installed microwave radio systems, reducing reliance on Inmarsats and other forms of communications which, in turn, resulted in considerable savings on spare parts for equipment, such as satellite Earth stations. In addition, service providers for international calls reduced the rates to most countries by approximately 60 per cent, resulting in further savings for the Mission.

8. As procurement activity reached full capacity in the second part of the year, efforts were again frustrated with the unexpected outbreak of hostilities in the neighbouring former Yugoslav Republic of Macedonia, which caused considerable disruption in operations as a result of delays in establishing contracts with vendors who would have to transit the former Yugoslav Republic of Macedonia to make deliveries to Kosovo. The border crossing points were regularly closed, cutting off the main supply routes, and the Mission was forced to reprioritize its requirements and to introduce a strict rationing system for fuel. Nevertheless, the Mission sought to comply with the recommendation of the Advisory Committee on Administrative and Budgetary Questions contained in paragraph 51 of its report on the financing of UNMIK (A/54/622), dated 19 November 1999, that it procure as much as possible locally and, despite the difficulties, the field procurement office succeeded in sourcing approximately 20 per cent of its requirements in Kosovo, together with 22 per cent in the adjoining countries of the former Yugoslavia.

9. Demonstrations and riots were ongoing in Kosovo throughout the period. In December 2000, a bomb destroyed the residence of the Representative of Yugoslavia in Pristina (directly behind the residence of the Principal Deputy Special Representative) and caused major structural damage to other houses in the vicinity, occupied mainly by UNMIK staff. The volatile situation in the former Yugoslav Republic of Macedonia caused financial and logistical difficulties for international staff scheduled to enter and exit the mission area through Skopje because of limited services at Pristina Airport. Just as important in the context of staff welfare, occasional trips to Skopje to escape the tension and isolation of Kosovo, when the local security situation in Kosovo allowed non-essential movement of personnel, were frequently disallowed, owing to border closures and grave concerns for the safety of international staff. Five vehicles were completely destroyed and 87 damaged during riots and demonstrations. In addition, 399 vehicles were vandalized and 21 stolen.

10. Health issues continued to trouble the Mission throughout the year and in January, following months of speculation surrounding the deaths of several military personnel and police, specialists from the World Health Organization began to assess the public health aspects of depleted uranium residues at the 112 sites where the North Atlantic Treaty Organization used depleted uranium-tipped weapons during its 78-day bombing campaign in 1999. However, no widespread ground contamination from depleted uranium or other residues was found in the areas

investigated. The year ended in June 2001 with an outbreak of Crimean-Congo haemorrhagic fever (Ebola virus), a severe disease in humans with a high mortality rate. Regular cases and repeated outbreaks of the virus have been recorded in Kosovo since 1986. In response to overall health concerns, the Division of Administration carried out a review of medical services in the Mission and has commenced work on a 10-bed nursing facility, together with the purchase of additional equipment and recruitment of additional medical personnel.

11. UNMIK implemented a number of economy measures during the period under review in the fields of personnel, information technology, engineering and transport. In the personnel area, the establishment of a check-in/check-out unit in November 2000 resulted in a reduction of the processing time from 4.5 days to 1 day, and consequent savings of some $900,000 during the period. In the area of information technology, the Mission identified and trained personnel as trouble shooters in all its facilities throughout the mission area. The implementation of this strategy resulted in savings of an estimated $400,000, which otherwise would have been required for additional staff to maintain the equipment. Savings were achieved also in the engineering sector, owing to the rental by UNMIK Administration of 46 government or socially owned buildings rather than privately owned buildings. Although the overall cost of vehicle spare parts, repair and maintenance was higher than anticipated, because of more frequent maintenance requirements and a high accident rate, savings of some $73,000 were achieved during the period from the reuse of spare parts salvaged from 25 vehicles that were written off. Furthermore, the Mission replaced 20 fuel heaters with waste-oil-burning heaters, which resulted in savings of some $130,000 under fuel and contributed to the waste disposable measures.

12. During the period under review, an amount of $1,915,600 was expended by the Mission on measures to provide security for the staff, as shown in table 1 below.

Table 1
Expenditures for staff security
(Thousands of United States dollars)

Item	*Expenditure*
Security personnel	1 453.8
Alteration and renovation of premises	51.8
Air operations	356.0
Supplies and services	54.0
Total	**1 915.6**

13. In paragraph 16 of its report (A/55/874/Add.6), dated 4 April 2001, the Advisory Committee on Administrative and Budgetary Questions requested that an analysis of the reasons for the delay in expenditure as at 31 December 2000 be provided in the context of the performance report. The delay in expenditure during the first six months related primarily to procurement items and was attributable to the manner in which resources were approved for this period. Initially, the General Assembly had authorized the Secretary-General to enter into commitments of up to $220 million for the period from 1 July to 31 December 2000 (resolution 54/245 B

of 15 June 2000). That amount represented less than half of the proposed budget of $474,401,800 gross. In the absence of information on the total amount that would actually be approved for the period, the Mission moved to prioritize procurement of its most urgent requirements. Resources for the full 12-month period were approved on 23 December 2000 (General Assembly resolution 55/227) and, as a result, most field procurement activity took place in the second half of the financial period. Much of the equipment required was highly specialized and required significant research to develop appropriate specifications.

III. Financial performance report for the period from 1 July 2000 to 30 June 2001

14. As indicated in table 2 below, from the appropriation of $450 million gross ($422,053,500 net) for the period from 1 July 2000 to 30 June 2001, expenditures amounted to $383,462,000 gross ($360,687,000 net), inclusive of $63,237,200 in unliquidated obligations. The resulting unspent balance of $66,538,000 gross ($61,366,500 net) represents, in gross terms, some 14.8 per cent of the amount appropriated. Annex I to the present report contains the financial performance information for the reporting period by budget line item, with supplementary information on significant variances presented in annex II. Annex IV contains a chart showing apportionment and expenditure by main budget groups.

Table 2
Apportionment and expenditure
(Thousands of United States dollars)

Category of expenditure	*Apportionment*	*Expenditure*[a]	*Variance*
Military personnel	7 814.3	5 918.4	1 895.9
Civilian personnel	322 983.1	280 113.5	42 869.6
Operational requirements	89 688.2	73 816.0	15 872.2
Other programmes[b]	1 567.9	839.1	728.8
United Nations Logistics Base at Brindisi	-	-	-
Support account for peacekeeping operations	-	-	-
Staff assessment	27 946.5	22 775.0	5 171.5
Gross requirements	**450 000.0**	**383 462.0**	**66 538.0**
Income from staff assessment	(27 946.5)	(22 775.0)	(5 171.5)
Net requirements	**422 053.5**	**360 687.0**	**61 366.5**
Voluntary contributions in kind (budgeted)	-	-	-
Voluntary contributions in kind (non-budgeted)	-	-	-
Total resources	**450 000.0**	**383 462.0**	**66 538.0**

[a] Includes an amount of $63,237,200 in unliquidated obligations.
[b] Excludes personnel.

15. Information on the deployment of military and civilian personnel during the reporting period is given in table 3 below and annex III to the present report.

Table 3
Authorized staffing, incumbency and vacancy rates for military and civilian personnel for the period from 1 July 2000 to 30 June 2001

Personnel category	*Authorized strength*	*Actual strength (average)*	*Vacancy rate (percentage)*
Military observers	38	38	-
Military contingents	-	-	-
Civilian police	4 718	4 277	9
International staff	1 339	1 131	16
National Officers	11	7	39
Local staff	3 916	3 619	8
United Nations Volunteers[a]	203	203	-

[a] Additional United Nations Volunteers were required to assist in the voter registration and the municipal elections.

IV. Action to be taken by the General Assembly at its fifty-sixth session

16. **The action to be taken by the General Assembly in connection with the financing of the United Nations Interim Administration Mission in Kosovo is as follows:**

(a) To decide on the treatment of the unencumbered balance of $66,538,000 gross ($61,366,500 net) for the period from 1 July 2000 to 30 June 2001;

(b) To decide on the treatment of other income for the period from 1 July 2000 to 30 June 2001 amounting to $29,041,000 from interest income ($7,322,000), other/miscellaneous income ($1,882,000) and savings on or cancellation of prior period obligations ($19,837,000).

Annex I

Financial performance report for the period from 1 July 2000 to 30 June 2001: summary statement

(Thousands of United States dollars)

Category of expenditure		*(1)* *Apportionment[a]*	*(2)* *Non-recurrent expenditures*	*(3)* *Total expenditures (inclusive of non-recurrent expenditures)*	*(4) = (1 - 3)* *Variance*
I.	**Military personnel**				
	1. Military observers	1 205.9	-	1 239.8	(33.9)
	2. Military contingents	-	-	-	-
	3. Other requirements pertaining to military personnel				
	(a) Contingent-owned equipment	4 003.2	-	2 605.7	1 397.5
	(b) Self-sustainment	805.2	-	796.5	8.7
	(c) Death and disability compensation	1 800.0	-	1 276.4	523.6
	Subtotal, line 3	6 608.4	-	4 678.6	1 929.8
	Total, category I	**7 814.3**	**-**	**5 918.4**	**1 895.9**
II.	**Civilian personnel**				
	1. Civilian police	120 243.6	-	115 122.0	5 121.6
	2. International and local staff	186 597.0	-	151 411.5	35 185.5
	3. United Nations Volunteers	16 142.5	-	13 580.0	2 562.5
	4. Government-provided personnel	-	-	-	-
	5. Civilian electoral observers	-	-	-	-
	Total, category II	**322 983.1**	**-**	**280 113.5**	**42 869.6**
III.	**Operational requirements**				
	1. Premises/accommodation	10 137.1	6 466.9	10 455.3	(318.3)
	2. Infrastructure repairs	-	-	-	-
	3. Transport operations	13 728.8	4 657.8	12 475.5	1 253.4
	4. Air operations	6 130.4	-	4 147.8	1 982.6
	5. Naval operations	-	-	-	-
	6. Communications	19 782.4	9 902.4	13 898.9	5 883.5
	7. Other equipment	20 345.8	13 754.1	15 080.7	5 265.1
	8. Supplies and services	17 763.7	-	16 500.3	1 263.4
	9. Air and surface freight				
	(a) Transport of contingent-owned equipment	1 800.0	-	387.5	1 412.5
	(b) Commercial freight and cartage	-	-	870.2	(870.2)
	Subtotal, line 9	1 800.0	-	1 257.7	542.3
	Total, category III	**89 688.2**	**34 781.2**	**73 816.0**	**15 872.2**

Category of expenditure	(1) Apportionment [a]	(2) Non-recurrent expenditures	(3) Total expenditures (inclusive of non-recurrent expenditures)	(4) = (1 - 3) Variance
IV. Other programmes				
1. Election-related supplies and services	-	-	-	-
2. Public information programmes	599.7	-	409.9	189.8
3. Training programmes	418.2	-	429.2	(11.0)
4. Mine-clearing programmes	550.0	-	-	550.0
5. Assistance for disarmament and demobilization	-	-	-	-
Total, category IV	**1 567.9**	-	**839.1**	**728.8**
V. United Nations Logistics Base at Brindisi	-	-	-	-
VI. Support account for peacekeeping operations	-	-	-	-
VII. Staff assessment	**27 946.5**	-	**22 775.0**	**5 171.5**
Gross requirements, categories I-VII	450 000.0	34 781.2	383 462.0	66 538.0
VIII. Income from staff assessment	**(27 946.5)**	-	**(22 775.0)**	**(5 171.5)**
Net requirements, categories I-VIII	422 053.5	34 781.2	360 687.0	61 366.5
IX. Voluntary contributions in kind (budgeted)	-	-	-	-
X. Voluntary contributions in kind (non-budgeted)	-	-	-	-
Total	**450 000.0**	**34 781.2**	**383 462.0**	**66 538.0**
				Amount
XI. Other income/adjustments				
Interest income				7,322.0
Other/miscellaneous income				1,882.0
Voluntary contributions in cash				-
Prior period adjustments				-
Savings on, or cancellation of, prior period obligations				19,837.0
Total, category XI				**29,041.0**

[a] Based on appropriation provided by the General Assembly in resolution 55/227 A of 23 December 2000.

Annex II

Supplementary information on significant variances

Military personnel

Apportionment: $7,814,300; expenditure: $5,918,400; variance: $1,895,900

1. The unutilized balance of $1,895,900 under this heading resulted from lower costs for other requirements pertaining to military personnel ($1,929,800), which were partially offset by additional requirements for military observers ($33,900).

Other requirements pertaining to military personnel

Apportionment: $6,608,400; expenditure: $4,678,600; variance: $1,929,800

2. The unutilized balance of $1,929,800 resulted from lower requirements for contingent-owned equipment, self-sustainment and death and disability compensation, owing to the delayed deployment of four special police units and the non-deployment of one special police unit.

Civilian personnel

Apportionment: $322,983,100; expenditure: $280,113,500; variance: $42,869,600

3. The unutilized balance of $42,869,600 resulted from lower requirements for civilian police ($5,121,600), international and local staff ($35,185,500) and United Nations Volunteers ($2,562,500).

Civilian police

Apportionment: $120,243,600; expenditure: $115,122,000; variance: $5,121,600

4. The unutilized balance for civilian police was primarily owing to lower requirements for travel for a variety of reasons. The delayed deployment of four special police units and the non-deployment of one special police unit resulted in the need for fewer rotation travels. While the cost of the average trip, including baggage allowance, had been estimated at $1,700, the actual cost of rotation and repatriation travel averaged $1,045 and $1,400, respectively. Some police also travelled on national military aircraft.

International and local staff

Apportionment: $186,597,000; expenditure: $151,411,500; variance: $35,185,500

5. The unutilized balance of $35,185,500 was attributable mainly to lower costs of international and local staff. The actual average vacancy rate for international staff during the period under review was 16 per cent, compared to a budgeted vacancy rate of 15 per cent. Local staff salaries were calculated inclusive of a 5 per cent vacancy rate. The actual average vacancy rate for local staff during the period under review was 8 per cent. An average of only 7 National Officers out of 11 were deployed in the mission area during the period under review. Most of the unutilized balance was attributable to posts being encumbered by staff at lower grade levels

than those authorized and discontinuation of hazardous duty station allowance in Pristina municipality in February 2001. In addition, 85 per cent of the local staff were recruited initially at levels 2 and 3, whereas the cost estimates were based on level 4 salaries. The cost parameters used for the preparation of the budget for the 2002-2003 fiscal period will be adjusted to take account of actual experience.

6. During the period under review, a total of 18 UNMIK personnel were on short-term loans to new missions or other operations as shown below:

Deployed to	*Number of staff*
United Nations Mission in Ethiopia and Eritrea (UNMEE)	11
United Nations Organization Mission in the Democratic Republic of the Congo (MONUC)	3
United Nations Transitional Administration in East Timor (UNTAET)	3
United Nations Office of the Humanitarian Coordinator for Iraq	1
Total	**18**

United Nations Volunteers

Apportionment: $16,142,500; expenditure: $13,580,000; variance: $2,562,500

7. The unutilized balance of $2,562,500 under this heading resulted from the temporary suspension of the registration programme in mid-September 2000, owing to the need to clean up the electoral registration database. Consequently, deployment of the 500 additional United Nations Volunteers to assist in the voter registration and the municipal elections was postponed.

Operational requirements

Apportionment: $89,688,200; expenditure: $73,816,000; variance: $15,872,200

8. The unutilized balance of $15,872,200 related to an amount totalling $16,190,300 for transport operations ($1,253,400), air operations ($1,982,600), communications ($5,883,500), other equipment ($5,265,100), supplies and services ($1,263,400) and air and surface freight ($542,300), offset by additional requirements under premises/accommodation ($318,300).

Premises/accommodation

Apportionment: $10,137,100; expenditure: $10,455,300; variance: ($318,300)

9. The additional requirement of $318,300 under this heading resulted from the need to procure and install prefabricated buildings, owing to changes in the deployment of UNMIK personnel. These changes included relocation of the administration staff at regional headquarters to respective regional support bases, the need for separate facilities for UNMIK and local police, for offices for elements of the civil administration that will be displaced from the government buildings after the provincial elections and the expansion of UNMIK medical facilities in Pristina. Since the Mission has exhausted the available supply of state and publicly owned

facilities that could be repaired economically to create suitable office space, efforts have been shifted to the procurement of prefabricated buildings.

Transport operations

Apportionment: $13,728,800; expenditure: $12,475,500; variance: $1,253,400

10. The unutilized balance of $1,253,400 under this heading was attributable primarily to the purchase of fewer vehicles. The cost estimates provided for the purchase of 65 new vehicles and the replacement of 46 4x4 general purpose vehicles. During the reporting period, a total of 71 vehicles were purchased (7 heavy buses, 2 fuel tankers, 4 special purpose vehicles, 50 4x4 general purpose vehicles and 8 freight vehicles). As a result of the procurement of fewer vehicles and the lower actual cost of some vehicles, compared to the standard costs used in the budget estimates, savings were reported under purchase of vehicles. Furthermore, the reduction in the number of vehicles resulted in an unutilized balance under petrol, oil and lubricants, owing to the lower consumption of fuel, as well as under vehicle insurance. Savings also arose under insurance, as a result of the lower premium cost per vehicle.

Air operations

Apportionment: $6,130,400; expenditure: $4,147,800; variance: $1,982,600

11. The unutilized balance of $1,982,600 under this heading resulted, mainly, from the delay in the deployment of one light utility helicopter and minimal requirements for air crew subsistence allowance.

12. The budget was based on the hire of one light utility helicopter and one medium lift helicopter. However, owing to the late deployment of a light utility helicopter, the Mission continued to use two medium lift helicopters until May 2001, which resulted in savings under hire/charter cost. Lower expenditures were also recorded for aviation fuel, owing to utilization of 67 per cent of the budgeted flying hours by the medium lift helicopter and only 9 per cent of the budgeted flying hours by the light utility helicopter. Further savings were reported under liability and war-risk insurance, owing to lower actual costs and delay in the deployment of a light utility helicopter.

13. The unutilized balance under air crew subsistence allowance was due to the transfer of the IL-76 aircraft and crew to MONUC in July 2000 and 14 helicopter landings outside the mission area, instead of the 36 landings budgeted.

Communications

Apportionment: $19,782,400; expenditure: $13,898,900; variance: $5,883,500

14. The unspent balance of $5,883,500 under this heading resulted mainly from savings under spare parts and supplies and commercial communications.

15. The backbone of the initial communications network of UNMIK was provided by satellite earth stations. This technology had many advantages at the early stages of the Mission, since it allowed the rapid establishment of communications within the Mission, as well as immediate e-mail/Internet and telephone access to the United

Nations global network and the outside world. However, there were some drawbacks to continuous use of the satellite technology since the expansion of the network was limited by the available bandwidth (circuit capacity) on the satellite. In addition, any changes to the network had to be closely coordinated with all other Missions using the satellite earth stations. As the need for additional bandwidth arose, there was a proportional increase in the cost of operation of the satellite earth stations to the point where it became prohibitively expensive. In this context, as the operational requirements of the Mission evolved, especially the need to transmit and receive high volumes of data, it became clear that such service could not be adequately provided using satellite earth stations.

16. The above-mentioned circumstances necessitated fundamental changes in the network configuration and consequently the type of equipment to meet critical demands and the technical capacity for growth. At the end of the 1999-2000 financial period, only 38 locations were connected to the network and only the regional headquarters was equipped with Lotus Notes facilities. During this period, microwave communications links to 107 locations were installed, providing both telephone and Lotus Notes connections. The latter became the most effective means of communications between offices. In the Pristina area, microwave links to 50 different locations were provided, as it would have been impossible to use satellite earth stations to provide connectivity to such a large number of locations.

17. In view of the above, emphasis was placed on the provision of wideband microwave terrestrial systems and expansion of the cordless telephone network. Implementation of the trunking network provided a fairly secure and confidential communications medium, thus reducing the number of encrypted conventional radios. Furthermore, cross-connecting the trunking network with the conventional UHF/VHF network effectively extended the range of both networks, resulting in a substantial reduction in the number of trunking radios.

18. The installation of the microwave terrestrial radio systems in the Mission had replaced the reliance on the satellite earth stations, which required expensive spare parts, and maintenance. This resulted in unutilized resources under communications spare parts and supplies.

19. During the early stages of the reporting period, there were substantial reductions in the commercial communications rates for both Inmarsat and regular international telephone calls. The Inmarsat charges were lowered 64 per cent and the service providers for international calls reduced the rates to most countries by an average of 60 per cent. Also, with the installation of the microwave terrestrial radio systems, there was substantially less need to use Inmarsat or other forms of commercial communications. These developments resulted in savings under commercial communications.

Other equipment

Apportionment: $20,345,800; expenditure: $15,080,700; variance: $5,265,100

20. An unutilized balance of $5,265,100 was realized under other equipment, owing to a number of reasons, namely, lower costs achieved under headquarters systems contracts, the purchase of fewer quantities of miscellaneous and field defence equipment, lower requirements for spare parts, repair and maintenance of equipment and the establishment of a comprehensive fuel contract, including major

storage infrastructure and distribution of fuel, which resulted in savings under petrol tanks and metering equipment.

21. Lower expenditures were reported under generators and observation equipment, owing to the transfer from the United Nations Logistics Base at Brindisi of 12 generators and 41 night observation devices. In addition, provision made for the procurement of a thermal imaging system for the helicopter was not utilized, as UNMIK managed to include this device in the lease contract.

22. The budget provided resources under field defence equipment for the procurement of professional police equipment to execute police activities in a variety of operations, including traffic control, forensics and criminal investigations, security, riot and crowd control and others. Owing to the long procurement lead time required for the acquisition of the specialized police items or groups of items, some of the equipment, including an automatic fingerprint identification system, weapons training system, protective gear, diversionary devices and a variety of miscellaneous equipment, was not procured during the reporting period, which resulted in lower expenditures under this line item.

Supplies and services

Apportionment: $17,763,700; expenditure: $16,500,300; variance: $1,263,400

23. The unutilized balance of $1,263,400 under this heading resulted from the lower cost of miscellaneous services ($3,113,600), which were partially offset by the additional requirements for miscellaneous supplies ($1,850,200).

24. The unutilized resources of $3,113,600 under miscellaneous services were mainly owing to lower requirements under contractual services. Provisions made for catering services in the budget estimates were based on an average cost of $10 per person per day for 1,038 members of the special police units. The actual average cost of $9 per person per day and delays in deployment of the special police units resulted in lower costs. Further savings were reported under laundry and dry-cleaning services, owing to lower actual costs and delays in the deployment of special police units. The Mission was unable to find a suitable contractor to perform cleaning services, as anticipated. As a result, limited cleaning services were provided by contractors under special services agreements, who were supervised by the United Nations personnel and utilized United Nations provided supplies and basic cleaning equipment. Following the introduction of lower rates effective 1 January 2001, savings were reported under provisions made for photocopier services. Further, because of reduced requirements, environmental clean-up costs were lower than projected.

25. Additional requirements reported under miscellaneous supplies were attributable to a number of factors. The administrative nature of the functions performed by a large number of mission personnel resulted in a greater demand for stationery and office supplies. The non-establishment of cleaning service contracts with local companies created a need for additional cleaning materials to provide limited cleaning services. Additional requirements for electrical supplies resulted from a greater number of buildings that needed to be maintained and the poor standard of electrical wirings in government buildings. The higher demand for consumable police items led to higher expenditure for uniforms, flags and decals. As

a result of increased security requirements, in particular at the special police unit camp in Mitrovica there was a greater demand for field defence stores.

Air and surface freight

Apportionment: $1,800,000; expenditure: $1,257,700; variance: $542,300

26. The unutilized balance of $542,300 under this heading resulted from lower requirements for the transportation of contingent-owned equipment, owing to the non-deployment of one special police unit and utilization of more economical commercial air sources, which were partially offset by unforeseen additional requirements for commercial freight and cartage incurred for road tolls of 27 United Nations convoys and 5 commercial convoys. There were no provisions for that purpose in the cost estimates because proposed arrangements for direct deliveries of goods through the former Yugoslav Republic of Macedonia and Montenegro did not materialize.

Other programmes

Apportionment: $1,567,900; expenditure: $839,100; variance: $728,800

27. The unutilized balance of $728,800 related to an amount of $739,800 for public information programmes ($189,800) and mine-clearing programmes ($550,000), offset by additional requirements under training programmes ($11,000).

Public information programmes

Apportionment: $599,700; expenditure: $409,900; variance: $189,800

28. The unutilized balance of $189,800 under this heading related to lower costs of materials and supplies procured for the Print Unit and the Radio and Television Unit, and for the printing of brochures, leaflets and newsletters.

Training programmes

Apportionment: $418,200; expenditure: $429,200; variance: ($11,000)

29. The primary purpose of training in the communications and information technologies areas is to enable mission personnel to develop technological infrastructure and to provide services that fully satisfy the requirements of all peacekeeping missions. Human resources are a critical success factor, since without that contribution, the prerequisite for success, namely, the timely, effective and efficient delivery of support, could be achieved. The Secretariat is cognizant of the need to foster the development of skills and to maintain a high quality of expertise in all critical areas. A strategic plan has been developed for communications and information technology areas, which takes into account the increasing complexity and scope of activities and the increasing information needs resulting from the growth peacekeeping missions. The success of communications and information technology in missions depends, to a great extent, on the effectiveness of field mission information systems. It is imperative that the Secretariat enhance on a continuous basis the capacity of mission personnel of all categories of staff to manage information resources, using innovative and current educational and training

procedures, tools and structures. The training plan comprises an evaluation system to monitor the effectiveness of the programme and take corrective action. It is in the context of a rapidly changing technological environment that the Secretariat plans its training activities to maintain skills that are relevant and vital to the needs of the Mission, thereby pre-empting deficiencies or weaknesses in the human resources of peacekeeping missions.

30. A total of 1,051 UNMIK personnel received training during the period under review, including 972 personnel admitted to the regular training and 79 personnel who received special training in procurement and electronic data-processing areas. The table below provides information on the UNMIK training programmes during the period under review.

Description of training	*Expenditure (United States dollars)*	*Number of persons trained*	*Venue*
Procurement	10 900	28	Pristina
Safe transport of dangerous goods	7 500	3	Athens
Resident Auditor training	5 400	1	New York
Seminars on higher education and spectrum management system	4 300	4	Tirana, Athens
Infrared equipment, land-search operations	8 600	5	London
Combating counterfeit money	2 400	1	Frankfurt, Germany
Communications equipment, Microsoft network	51 300	24	UNLB
Communications equipment seminar	2 000	3	Hannover, Germany
Microwave radio training	16 300	3	Coventry, United Kingdom
Subregional seminar on automated spectrum system	1 500	1	Athens
Multi-Site Trunking training	11 400	4	Paris
Microwave radio training	59 200	27	Pristina
People management training	32 300	25	Pristina
Senior management strategy retreat	4 900	17	Montenegro
Computer-aided design	9 000	21	Pristina
Three-day firefighters exercise	600	1	Madrid
Training in check-in/check out procedures	1 500	2	Sarajevo
Reality, Notes, Domino, Application Development trainings	20 800	12	UNLB
Training and installation of software	500	1	Vienna
Electronic data-processing training	1 600	1	Leeds, United Kingdom
Technical specifications for software charges	1 100	1	Paris
Domino/application development	4 900	2	Zagreb
Galaxy training	75 700	27	Pristina
INFORMATEC Notes R5	1 700	1	Manchester, United Kingdom
Language training (Local staff), personnel seminar	42 900	350	Pristina
National staff workshop	100	330	Gjilane, Kosovo
Personnel seminar	3 500	50	Peja, Kosovo
Procurement management workshop	2 500	1	Cyprus

Inter-agency Procurement Services Office procurement contracting of services	10 500	6	Vienna
Training at security academy	7 400	1	Sterling
Firearm training	5 500	2	Pristina
Anti-riot training course	1 100	1	Bordeaux, France
Field staff counsellors	1 600	1	Rome
Stress management training - drivers	5 900	45	Thessaloniki, Greece
Stress management training	3 900	45	Ohrid
Training course for 4x4 vehicles and main deck loader	5 600	3	UNLB
Training for truck drivers	200	1	Lyon, France
Training material and equipment	14 000		Pristina
Total	**429 200**	**1 051**	

Mine-clearing programmes

Apportionment: $550,000; expenditure: $0; variance: $550,000

31. Provision made in the cost estimates in support of the activities of the Mine-Action Coordination Centre was not utilized during the period under review, owing to the fact that the UNMIK buildings were established mainly in the urban areas and in rural areas considered to be safe. There was uncertainty regarding the locations of mines at the time of the budget preparations. Funds were requested in order to be in a position to contract professional assistance, if required.

Staff assessment

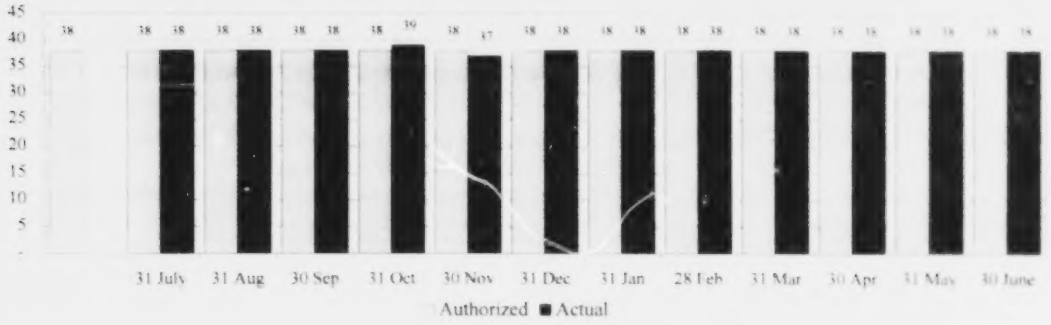
Apportionment: $27,946,500; expenditure: $22,775,000; variance: $5,171,500

32. The unutilized balance of $5,171,500 under this heading related mainly to the fact that posts were encumbered by staff at a lower grade level than the authorized level, and higher than projected vacancy rates for the international and local staff during the period under review.

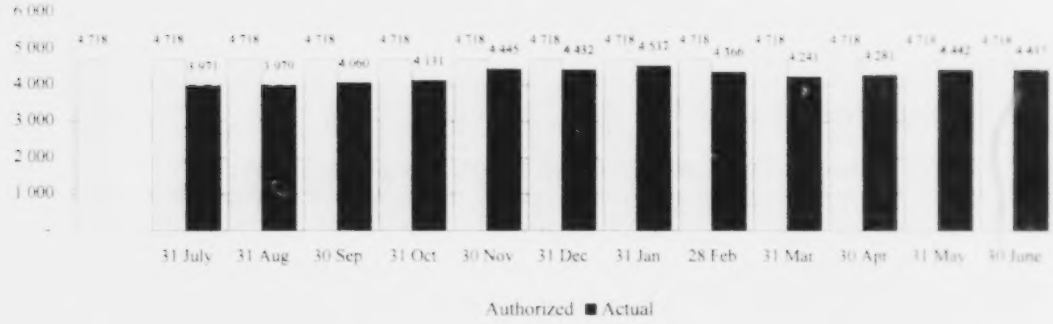
Annex III

Planned and actual deployment of civilian and military personnel for the period from 1 July 2000 to 30 June 2001

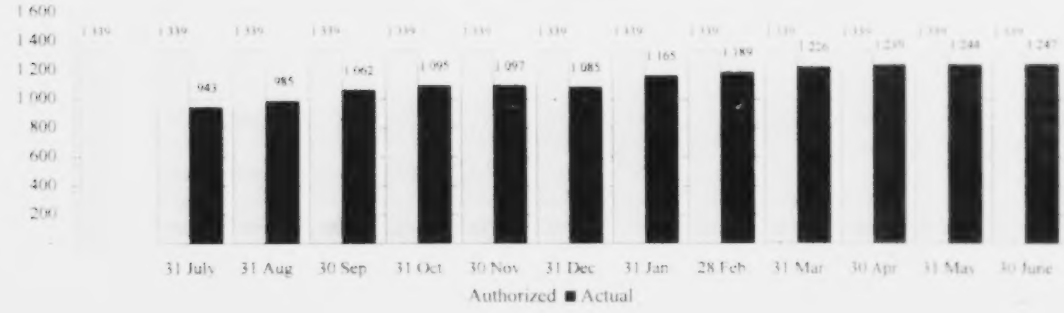
1. Military observers



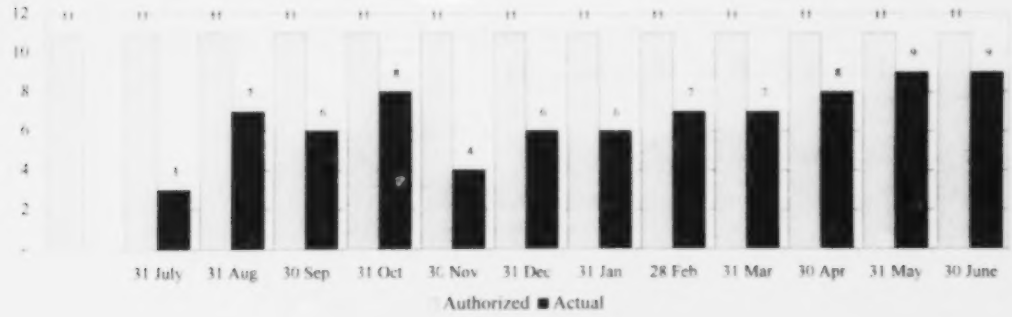
2. Civilian police



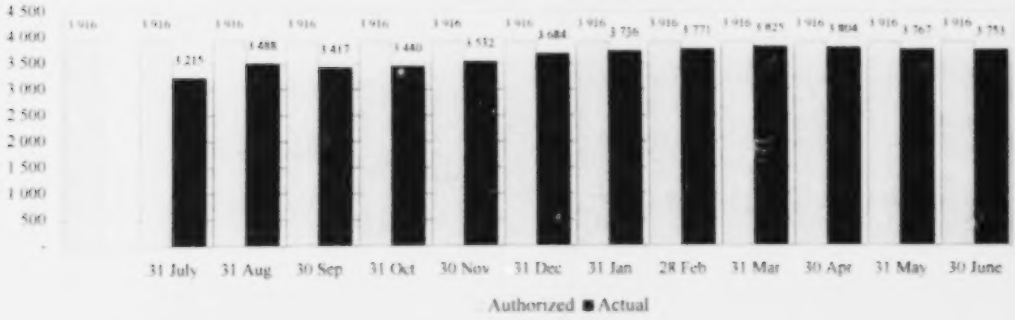
3. International staff



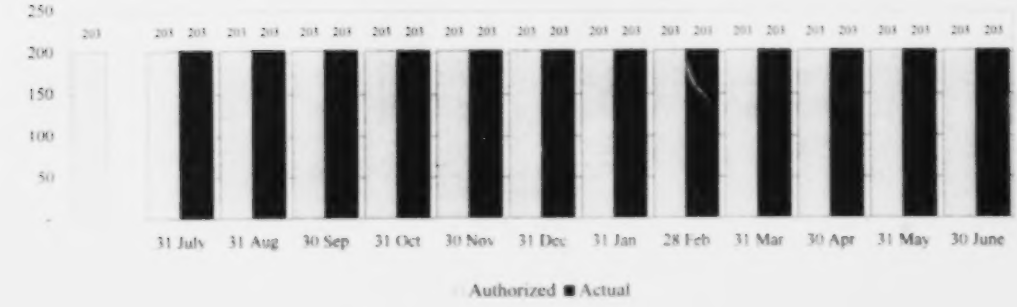
4. National Officers



5. Local staff

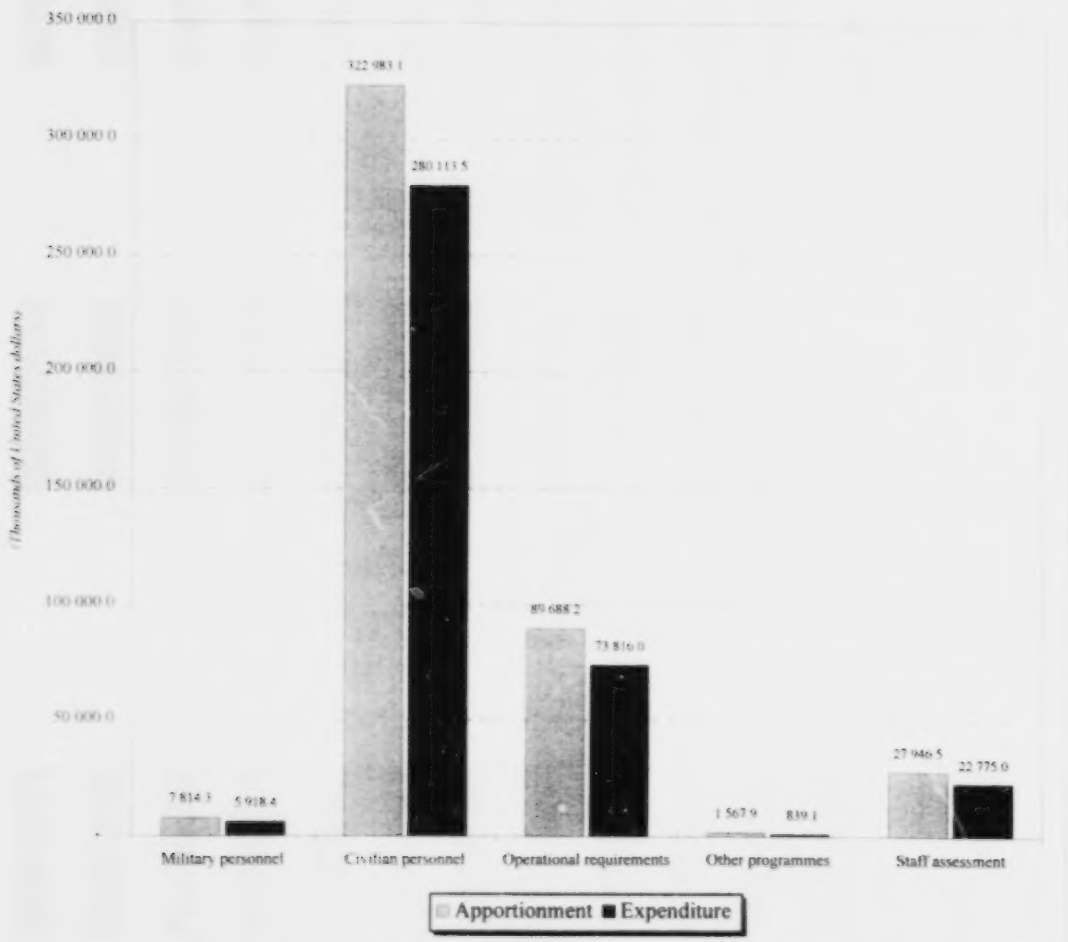


6. United Nations Volunteers



Annex IV

Apportionment and expenditure for the period from 1 July 2000 to 30 June 2001



United Nations A/56/764–S/2002/14

General Assembly
Security Council

Distr.: General
3 January 2002

Original: English

General Assembly
Fifty-sixth session
Agenda items 21 (d), 25, 33, 41, 69 and 90

Cooperation between the United Nations and regional and other organizations: cooperation between the United Nations and the Organization of the Islamic Conference

United Nations Year of Dialogue among Civilizations

Return or restitution of cultural property to the countries of origin

Question of Palestine

Development in the field of information and telecommunications in the context of international security

Questions relating to information

Security Council
Fifty-seventh year

Letter dated 2 January 2002 from the Permanent Representative of Qatar to the United Nations addressed to the Secretary-General

I have the honour to transmit to Your Excellency herewith the following documents of the third session of Ministers of Culture of the Organization of the Islamic Conference, held in Doha, State of Qatar, during the period 29 to 31 December 2001:

(a) Text of the statement of His Highness Sheikh Hamad bin Khalifa Al-Thani, Emir of the State of Qatar, Chairman of the Ninth Islamic Summit Conference of the Organization of the Islamic Conference, at the opening of the session (annex I);

(b) Text of the Final Communiqué (annex II).

I should be grateful if you would have the text of the present letter and its annexes circulated as a document of the General Assembly, under agenda items 21 (d), 25, 33, 41, 69 and 90, and of the Security Council.

(*Signed*) Nassir Abdulaziz **Al-Nasser**
Ambassador
Permanent Representative

02-20088 (E) 180102 180102

Annex I to the letter dated 2 January 2002 from the Permanent Representative of Qatar to the United Nations addressed to the Secretary-General

[Original: Arabic]

Your session is being held under international circumstances, negative impacts and repercussions of which are reflected on lifestyles and the system of values and concepts. This, in turn, makes it imperative for all of us to explore the right ways of dealing with these conditions and the challenges they pose to our Islamic nation and to try to project the true image of Islam and Muslims, in a way which unequivocally reflects the true spirit of Islam and its sublime teachings, thereby enabling Muslims to face up to these challenges with the utmost consciousness and awareness. Hence the importance of speeding up the implementation of the cultural strategy for the Islamic world, which your esteemed session places at the top of its priorities and which we deem to be a vital step in the right direction towards affirmation of the collective will of the nation and striving to resume its cultural and civilizational role in communication and dialogue with other cultures at a time when some erroneous concepts have emerged regarding the inevitability of the clash of cultures and the isolation and renunciation of the other.

Hence, we repeat our call for a dialogue of cultures, without which humanity will not be secure nor peace prevail.

It is imperative upon us to embark on rectifying the distorted and false images of Islam and Muslims in order to be able to enhance mutual understanding, especially since of late many people are propagating such ideas extensively in intellectual and media circles, particularly in the West. This responsibility requires us to make use of all our potentials to develop a positive and frank dialogue with members of other civilizations with the objective of conveying to them a clear picture of Islam and Islamic culture. We may have to draw on the achievements of the communications and information revolution, and in particular the vital role being played by satellite channels in forming cultural awareness and influencing public opinion in different countries and nations. We have to put among our priorities for joint Islamic cultural action the setting up of an Islamic satellite channel, as an essential means of communication and dialogue with other civilizations that would be accessible to various Islamic schools of thought and cultural theories.

We have also to make use of all the means available to us. We have emigrant Muslim communities all over the world to whom we have to extend our hands and with whom we have to communicate, and through whom we can address those of other cultures amid which those emigrant Muslims live. The knowledge and capabilities as well as the ties those communities have with their Muslim nation have made them the window through which other cultures view Islam.

We have to break the hateful link which some prejudiced quarters try to establish between Islam and terrorism, and we must work in all earnestness to correct the unfair stereotyped image attached to Muslims and explain the true principles of Islamic culture.

I should also like to underline the necessity of standing up against the practices of the Israeli occupation forces against the unarmed Palestinian people, the flagrant violations against its cultural and educational institutions and the destruction and

confiscation of its property, shrines and historical and archaeological sites in all the occupied Palestinian territories.

We should like to express our thanks for the valuable efforts being exerted by His Excellency President Abdullah Wade, President of the fraternal Republic of Senegal, in his capacity as Chairman of the Standing Committee for Information and Cultural Affairs.

It is my pleasure also to commend the considerable achievements of the Islamic Educational, Scientific and Cultural Organization in the service of its Islamic nation.

You are most welcome in Doha, and I wish your session all success. May the Peace, Mercy and Blessing of God be upon you.

Annex II to the letter dated 2 January 2002 from the Permanent Representative of Qatar to the United Nations addressed to the Secretary-General

Final communiqué of the third session of Ministers of Culture of the Organization of the Islamic Conference (Doha, 29-31 December 2001)

Under the august sponsorship of His Highness Sheikh Hamad bin Khalifa Al-Thani, Emir of the State of Qatar, Chairman of the Ninth Islamic Summit Conference; at the invitation of the Islamic Educational, Scientific and Cultural Organization (ISESCO); and in cooperation and coordination with the Government of the State of Qatar and with the secretariat of the Ninth Islamic Summit Conference, the Islamic Conference of Ministers of Culture held its third session, generously hosted by His Highness, in Doha from 14 to 16 Shawwal 1422 a.h., corresponding to 29 to 31 December 2001 a.d. The opening ceremony of the Conference was attended by His Highness Sheikh Jasim Bin Hamad Al-Thani, heir apparent of the State of Qatar; the Secretary-General of the Organization of the Islamic Conference; the Director-General of the United Nations Educational, Scientific and Cultural Organization (UNESCO); and the Director-General of the Arab League Educational, Cultural and Scientific Organization (ALECSO).

His Highness Sheikh Hamad bin Khalifa Al-Thani, the country's Emir, honoured the session by chairing its opening meeting. In his opening statement he pointed out that the session was being held under international circumstances whose negative repercussions were reflected in lifestyles, value systems and ways of thinking, thus making it imperative for all to explore effective means of dealing with those circumstances and the challenges they posed to the Islamic nation.

He said that it was essential to correct the distorted and false image of Islam and Muslims so as to enhance mutual understanding, especially since of late many people were widely propagating such images in intellectual circles and the media, particularly in the West. It was therefore imperative to make use of all available potential to develop a positive and frank dialogue with members of other civilizations so as to convey to them a clear picture of Islam and Islamic culture.

He also underlined the necessity of standing up against the practices of the Israeli occupation forces against the unarmed Palestinian people, the flagrant violations against its cultural and educational institutions and the destruction and confiscation of its property, shrines and historical and archaeological sites throughout the Palestinian territories.

Among the priorities for joint Islamic cultural action, His Highness called for the establishment of a project for setting up an Islamic satellite channel as an essential means of communication and dialogue with other civilizations that would be accessible to the various schools of thought and cultural trends within Islam.

He mentioned the considerable achievements of the Islamic Educational, Scientific and Cultural Organization in the service of the Islamic nation.

The session decided to adopt the statement of His Highness Sheikh Hamad bin Khalifa Al-Thani, Emir of the State of Qatar, as one of its official documents.

Next, His Excellency Mr. Abdelouahed Belkeziz, Secretary-General of the Organization of the Islamic Conference, took the floor and spoke of the importance of the convening of the third session of Ministers of Culture of the Organization of the Islamic Conference at the current stage of developments in the Arab world. The Islamic nation, he said, was currently being subjected to a fierce attack on its values and its historical position and an attempt to destroy its pioneering role in building the lofty edifice of civilization. He pointed out that the Organization of the Islamic Conference had attributed extreme importance to the fundamental role of culture in defining the identity and personality of peoples. He stressed the importance of dialogue among different civilizations and cultures for coexistence, for achieving mutual recognition and for eliminating struggles such as those that had marked the relations among those civilizations down through the ages and commended ISESCO on its achievements.

Speaking of the role of culture, His Excellency Mr. Abdulaziz Othman Altwaijri, Director-General of ISESCO, said that however varied the notions and views regarding culture, its mission in life and its function in society might be, culture was the most vital element in the building of the human being, the growth of nations, the shaping of the future and the moulding of civilization, owing to its extraordinarily important role in directing the human mind, in guiding human thought and in creating powerful, inspiring incentives to effective action capable of bringing change, development and renewal at all levels. In all cases the pivot about which the function of culture revolved, he said, was the building of the human personality.

The Director-General said that every nation shaped its present and planned for its future in the light of its own thinking, heritage and civilization, and the Islamic nation possessed a cultural stock to provide it with elements of strength, invulnerability and permanence, offering it the means and capabilities for entering the civilizational arena, not in order to ignite the flames of cultural struggle or fire a clash of civilizations, but to attenuate that struggle and further the current trends in international relations towards dialogue and communication based on the norms of international law and humanitarian principles and inspired by the teachings of the revealed religions.

His Excellency Mr. Mohamed Achari, Minister of Culture and Communication of Morocco and Chairman of the second session of the Islamic Conference of Ministers of Culture, spoke at the opening meeting, expressing his appreciation to the Emir, Government and people of Qatar for generously sponsoring the Conference. He called for the building of an Islamic cultural system, stressing the need to continue the efforts to resist the savage campaign against Islamic culture, a campaign based on considerable ignorance and misunderstanding and a conflict of positions and interests. He stated that restoring the image of Islamic culture could be achieved only within the framework of an overall project, starting with a reminder of the decisions of the previous Islamic Conference. He denounced the Israeli aggression against the Palestinian people and called for a revival of the spirit of the blessed Al-Quds intifada to help define the elements of an Islamic cultural intifada of the media.

Mr. Koïchiro Matsuura, Director-General of UNESCO, in his statement delivered at the opening meeting, spoke of the civilizational mission of Islamic Arab culture. He pointed out that its success lay in the fact that it did not reject other

cultures, emphasizing that Islamic Arab civilization had helped to save the culture of the Mediterranean and the Middle East. He also praised the advances in knowledge achieved by Islamic Arab culture.

The history of Islamic Arab civilization, he said, offered an example of cultural coexistence in the world. He referred to the Medellin Declaration for Cultural Diversity and Tolerance, which, he said, provided a covenant whereby one could define cultural practices with a view to safeguarding cultural diversity. He called for the translation of the general principles of that Declaration into concrete acts, urging the UNESCO member States to participate energetically in the protection of cultural diversity and the maintenance of the common heritage of humanity.

He saluted the role of ISESCO as an instrument for a dialogue among civilizations, commending it on the two international symposia it had recently held on that topic in Rabat and Tunis.

In his statement delivered at the opening meeting, Mr. Al-Munji Bosnina, Director-General of ALECSO, stressed the importance of the fruitful cooperation between ISESCO and ALECSO in fields of common concern to them, underscoring the need to develop that cooperation further and use it to serve the purposes of the Islamic Arab nation. Islamic Arab culture, he said, had always been a culture of fundamental constants, foremost among them being acceptance of others, rapprochement and coexistence with them and mutual dealings based on a spirit of give and take.

He pointed out that Islam was a religion characterized by tolerance, openness and moderation that wished for the well-being of all. Even the West, he said, might be the victim of certain of its own extremists. Without a doubt there existed ignorance, either real or feigned, and misunderstanding, and there clearly existed inflexibility, which he and those present rejected. He called for a calm and constructive dialogue in which the starting point would be gaining mutual familiarity on which to build a system for living side by side.

His Excellency Mr. Abdallah bin Khalifa Al-Attiyah, Minister of State and Chairman of the National Council for Culture, Arts and Heritage of the State of Qatar, was elected Chairman of the session.

A succession of ministers and representatives of Islamic, Arab and international organizations then took the floor, expressing their appreciation to the State of Qatar and to its Emir and also their appreciation of the invitation addressed to them by ISESCO to attend the session as representatives of member States and of organizations that engage in fruitful cooperation with them. They were unanimous in considering the session an opportunity for the States members of the Organization of the Islamic Conference to give a fresh start to the implementation of the Cultural Strategy for the Islamic World.

The members of the session examined together the topics, issues and points on the agenda in a transparent, comprehensive view that drew together all the components of the general cultural landscape in the Islamic world and decided to reaffirm their collective will to implement the Cultural Strategy consciously and responsibly, bearing in mind the changing international developments reflected — both positively and negatively — in every aspect of the Islamic world.

The session noted with satisfaction the efforts made by ISESCO to implement the resolutions and recommendations adopted at the previous session, commending the achievements realized in that regard. They firmly resolved to provide further possibilities and make efforts to create further opportunities for fostering continued work in that direction, taking into consideration the nature of the conditions through which the Islamic world was passing as a result of the profound changes taking place in the world owing to the tumultuous events of the previous months.

The discussions that took place during the meetings of the session covered general cultural conditions in the Islamic world, the cultural and media-related impact of globalizing trends on culture in Islamic societies, the resulting diverse and multifarious challenges that tended to weaken the cultural identity of the Islamic nation, the breakdown of the wall of impenetrability in the Islamic world and the subjection of the Islamic cultural identity to intense pressures that detracted from the solidity, permanence, stability and strength of the Islamic civilizational and cultural position.

The participants emphasized the importance of redoubling, coordinating and pooling efforts to enhance the effectiveness of the Cultural Strategy and adapt it to new regional and international developments, considering it a flexible plan of action and pliable framework capable of responding to the demands of multi-purpose comprehensive development in the Islamic world and taking into account the differing conditions and multiplicity of political and cultural options in the different member States.

The session, after exhaustively discussing the reports submitted to it by ISESCO on the implementation of the resolutions of the second session; the implementation of the strategy for Islamic cultural endeavour in the West; ISESCO activities in connection with the United Nations Year of Dialogue among Civilizations (2001); the recommendations of the specialized committees of the Organization of the Islamic Conference relating to the Cultural Strategy; the distortion of Islam and Islamic civilization by the media in the context of international developments; the protection of Islamic cultural sites and institutions in Al-Quds Al-Sharif; and the demand for the return of stolen Islamic cultural objects, adopted appropriate resolutions in respect of those matters.

The session affirmed the position of the Islamic world with regard to the dialogue among civilizations based on the magnanimous principles of Islam and its teachings calling for civilizational tolerance, peaceful coexistence and mutual respect for the cultural and civilizational characteristics of nations. It also affirmed the sincere desire of the Islamic world to continue the dialogue with human cultures, and called upon international parties to be responsive to the positive position of the Islamic world on the dialogue among civilizations and to demonstrate a sincere desire to achieve understanding among the peoples of the world on the basis of mutual respect and within the framework of international law, in order to spare mankind crises and conflicts.

The session decided to give full support to ISESCO in continuing its work of following up the applications of the Cultural Strategy and the strategy for Islamic cultural endeavour in the West. It called for the revitalization of the role of the Supreme Council for Education and Culture in the West and called upon ISESCO to develop a comprehensive concept to crystallize its integrated vision for Islamic cultural endeavour in the West in the light of international variables.

The session charged ISESCO with the drawing up of a detailed programme to counter media campaigns distorting Islam and Islamic civilization and called upon ISESCO to submit this programme to member States for comment. The session called upon member States to participate in this programme in order to refute the calumnies and falsehoods propagated by the Western media against Islam and Islamic civilization and to make the diplomatic missions of member States fully aware of their responsibilities in this matter.

In this context, the session emphasized that the countering of media campaigns that distort the image of Islam and Muslims is the joint responsibility of all member States and for non-governmental media in the Islamic world, intellectuals, scientists, cultural figures and representatives of the press and the media generally. It called upon member States to take initiatives at the level of their media organs, to the extent of their capabilities and within the framework of their information and cultural policies, to participate in correcting the image of Islam in the West.

The session expressed growing concern about the extensive report submitted to it by ISESCO concerning the protection of Islamic sites and institutions in Al-Quds Al-Sharif. The session affirmed the need to protect the rights of the Palestinian people generally, which is exposed to crushing colonialist aggression waged against it by the Israeli occupation authorities and the Jewish colonialist settlers in the Palestinian territories. The session appealed to the United Nations for speedy intervention to ensure international protection for the Palestinian people, which naturally includes the protection of the Islamic cultural sites and institutions in Al-Quds Al-Sharif. The session stressed the responsibility of UNESCO and the other international organizations concerned with regard to the protection of these Palestinian cultural sites and institutions and support for the position of the Islamic world on this issue.

The session approved the project to establish an Islamic satellite channel in accordance with the studies prepared by ISESCO and called upon ISESCO and the competent agencies in the State of Qatar to follow up implementation of the project. It also called upon member States to provide all kinds of support for the implementation of this important project as soon as possible.

The session addressed an appeal to the Governments and institutions of the international community to strive for the speedy restoration of looted Islamic cultural property to its original owners, in accordance with the norms of international law and in implementation of the right of peoples to enjoyment of their cultural specificities and their right to the preservation of their historic cultural property looted during periods of colonial occupation. It stressed the inadmissibility of the sale of any looted cultural property by any agency or persons and called for the reporting of such cases to Interpol and the State having rightful ownership of such property. It called upon member States to approach Western States in possession of such property with a view to restoring it to its place of origin.

The session adopted a draft programme of Islamic cultural capitals and decided to select the city of Makkah Al-Mukarramah as a capital of Islamic culture for the year 2004, as the first capital to inaugurate the implementation of this programme.

The session charged the Advisory Council for the Implementation of the Cultural Strategy for the Islamic World with selecting the capitals of Islamic culture

on a regular basis, designating annually three cities of States members of the Organization of the Islamic Conference as capitals of Islamic culture.

The session elected the new members of the Advisory Council for the Implementation of the Cultural Strategy for the Islamic World and expressed appreciation to the outgoing members of the Council. The session affirmed that ISESCO was charged with following up the work of the Advisory Council and continuing to provide it with support in carrying out its responsibilities through coordination with the General Secretariat of the Organization of the Islamic Conference.

The session urged those member States that had not yet joined ISESCO to do so.

The session addressed a telegram to the President of the Swedish Academy protesting the award of the Nobel Prize for Literature for 2001 to the racist writer V. S. Naipaul and called upon the Academy to revise its decision, expressing severe censure of the decision taken by this Academy to award the Nobel Prize to an author who attacks Islam and Muslims in his writings, incites hatred among peoples and stirs up strife between cultures and civilizations, which is contrary to international covenants, declarations and agreements and offends human values and divine principles.

In concluding its proceedings, the session addressed a message of thanks and appreciation to His Highness Sheikh Hamad bin Khalifa Al-Thani, Emir of the State of Qatar, Chairman of the Ninth Islamic Summit Conference.

United Nations A/56/765

General Assembly

Distr.: General
4 January 2002

Original: English

Fifty-sixth session
Agenda item 45
Question of the Falkland Islands (Malvinas)

Letter dated 4 January 2002 from the Permanent Representative of Argentina to the United Nations addressed to the Secretary-General

In accordance with instructions received from my Government, I have the honour to transmit herewith the text of the press release issued on 3 January 2002 by the Government of the Argentine Republic on the occasion of another anniversary of the illegitimate British occupation of the Malvinas Islands (see annex).

I should be grateful if you would have the present letter and its annex distributed as a document of the General Assembly, under agenda item 45, "Question of the Falkland Islands (Malvinas)".

(*Signed*) Arnoldo M. **Listre**
Ambassador

02-20284 (E) 080102 080102

Annex to the letter dated 4 January 2002 from the Permanent Representative of Argentina to the United Nations addressed to the Secretary-General

Press release

[Original: Spanish]

On 3 January 1833, British forces seized the Malvinas Islands, expelling their inhabitants and the Argentine authorities established there. Today, on the 169th anniversary of that illegal occupation, the Argentine people and Government reaffirm the inalienable sovereignty rights of the Argentine Republic over the Malvinas Islands, South Georgia and South Sandwich Islands and the surrounding maritime areas.

The Argentine Government recalls, on this occasion, the steadfast and permanent objective of the Argentine people, enshrined in the National Constitution, to recover the full exercise of sovereignty over the above-mentioned territories and maritime areas through peaceful means for the settlement of disputes in accordance with international law, respecting the way of life and the interests of the inhabitants of the islands.

It is the firm purpose of the Argentine Government to continue making progress in the dialogue with the United Kingdom of Great Britain and Northern Ireland, with a view to consolidating a relationship of mutual confidence and broadening bilateral cooperation.

On this anniversary, the Argentine Government reaffirms its conviction that the resumption of negotiations on the sovereignty issue, in accordance with the multiple and constant appeals of the international community, will contribute to the establishment of a framework conducive to achieving a fair and lasting solution to the dispute.

United Nations A/56/766–S/2002/25

General Assembly
Security Council

Distr.: General
4 January 2002

Original: English

General Assembly
Fifty-sixth session
Agenda item 166
Measures to eliminate international terrorism

Security Council
Fifty-seventh year

Letter dated 4 January 2002 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General

I wish to draw your attention to an extremely grave incident that occurred yesterday in the Red Sea.

Just before dawn, Israel Defence Forces intercepted the *Karin A*, a ship bound for the Palestinian Authority and packed with 50 tons of offensive weapons. The collection of weapons inspected thus far include Katyusha rockets with a range of 20 kilometres, 107 mm Katyusha rockets with a range of 8 kilometres, rocket-propelled grenade launchers (RPG) and Sager missiles, 80 mm and 120 mm long-range mortar shells, land mines, Kalashnikov assault rifles, ammunition and other explosive devices. This represents merely a fraction of the cargo contained in 83 containers that were found on board the ship. This cache of weaponry, most of it originating in the Islamic Republic of Iran, was carried on board a freighter that had been purchased by the Palestinian Authority. Thirteen crew members were on board the vessel, which was captained by an officer in the Palestinian Authority coastal police.

The attempt by the Palestinian Authority to smuggle this unprecedented number of weapons is a flagrant violation of agreements reached between the parties and is an ominous sign of Palestinian intentions to continue their terrorist campaign well into the future. These weapons were capable of striking deep into Israel and their seizure constitutes a vital act of self-defence and an important counter-terrorist measure, that has saved Israeli civilians from an untold number of terrorist attacks against Israeli population centres.

This incident comes against the background of persistent Palestinian attempts to smuggle sophisticated offensive weapons into Palestinian Authority territory by land, sea and air. It will be recalled that on 6 May 2001, the Israeli navy succeeded in intercepting a similar shipment of arms from Lebanon en route to the Gaza Strip, in an incident referred to in my letter dated 9 May 2001 (A/56/69-S/2001/459). In both instances flotation devices were found indicating that the weapons were meant to be dropped offshore and retrieved by Palestinian Authority security personnel.

The ongoing efforts of the Palestinian leadership to divert resources and donor funds in order to acquire dangerous offensive weaponry fatally undermines its

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credibility in claiming to be working for an end to violence and terrorism and a return to genuine dialogue. It testifies to the fact that Chairman Arafat's recent actions do not represent a strategic departure from terrorism, but only a tactical reduction in attacks to suit his immediate political needs. Finally, it confirms the continuing duplicity and deception of the Palestinian leadership, whereby it makes lofty declarations of its peaceful intentions and takes cursory action against low-level terrorist operatives so as to placate international audiences, while continuing to plot even more deadly aggression against Israeli citizens.

The seizure of the *Karin A* also comes at an unfortunate moment, after Israel, having thwarted a number of suicide attacks, tried to build on several days of relative calm by easing the security precautions it had put in place following the spate of terrorist bombings in early December. These measures were taken in the hope that further progress could move the parties towards the implementation of the Tenet Plan and the Mitchell Committee Report. Yesterday's incident demonstrates, however, that pressure on the Palestinian leadership must be constant and unrelenting if genuine progress is to be made towards ending the violence and terror and restarting the political process. The Palestinian leadership cannot be allowed to believe that it can satisfy the will of the international community by speeches alone.

The actions of the Palestinian Authority, in collusion with the Islamic Republic of Iran and terrorist organizations whose declared intent is the destruction of the State of Israel, are a cause for grave concern at a time when responsible members of the international community are engaged in combating the scourge of terrorism. These actions flout the will of the international community and demonstrate that the Palestinian Authority insists on being part of the problem in the war on terrorism, rather than part of the solution.

The only path forward entails the complete and total abandonment of Palestinian terrorist operations against Israel and a comprehensive and unrelenting crackdown on terrorist organizations, including the dismantling of their infrastructure. It also includes the arrest of all terrorist operatives, many of whom remain at large despite the fact that their identity and location are known to the Palestinian Authority, and a firm commitment, in both word and deed, to negotiating a settlement with Israel in a spirit of peace and partnership. Israel calls on the international community to continue to exert intense pressure on the Palestinian leadership to end its policy of double talk and deception and to undertake a genuine and unremitting effort to end the violence and terrorism that has plagued the region for well over a year.

I should be grateful if you would arrange to have the text of the present letter circulated as a document of the General Assembly, under agenda item 166, and of the Security Council.

(*Signed*) Yehuda **Lancry**
Permanent Representative

Best copy available

United Nations A/56/767

General Assembly

Distr.: General
9 January 2002

Original: English

Fifty-sixth session
Agenda item 125
Scale of assessments for the apportionment of the expenses of the United Nations

Letter dated 27 December 2001 from the Secretary-General addressed to the President of the General Assembly

I have the honour to refer to General Assembly resolution 55/12 of 1 November 2000, in which the Assembly decided to admit the Federal Republic of Yugoslavia to membership in the United Nations.

This decision necessarily and automatically terminated the membership in the Organization of the former Yugoslavia, the State admitted to membership in 1945. At the time of this decision, the former Yugoslavia still had outstanding assessed contributions and these are reflected in the accounts of the United Nations.

As the former Yugoslavia has ceased to exist, it is not possible to look to it for payment of these arrears. It will therefore be necessary for a decision to be taken with regard to the treatment of the arrears of the former Yugoslavia.

I should like to draw this question to the attention of the General Assembly in the context of its consideration of item 125 (Scale of assessments for the apportionment of the expenses of the United Nations) of the agenda of its fifty-sixth session. The relevant information is provided in the attached note, which has been prepared by the Secretariat (see annex).

Kofi A. **Annan**

02-20652 (E) 160102

Annex

Unpaid assessed contributions of the former Yugoslavia

I. Introduction

1. During 1991-1992, the Socialist Federal Republic of Yugoslavia, which was admitted to membership in the United Nations in 1945, underwent a process of dissolution and five successor States came into existence.

2. In its resolution 777 (1992) of 19 September 1992, the Security Council indicated that it considered that the Federal Republic of Yugoslavia (Serbia and Montenegro) could not continue automatically the membership of the former Socialist Federal Republic of Yugoslavia in the United Nations. It therefore recommended to the General Assembly that it decide that the Federal Republic of Yugoslavia (Serbia and Montenegro) should apply for membership in the United Nations and that it should not participate in the work of the General Assembly.

3. In its resolution 47/1 of 22 September 1992, the General Assembly similarly indicated that it considered that the Federal Republic of Yugoslavia (Serbia and Montenegro) could not continue automatically the membership of the former Socialist Federal Republic of Yugoslavia in the United Nations. It therefore decided that the Federal Republic of Yugoslavia (Serbia and Montenegro) should apply for membership in the United Nations and that it should not participate in the work of the General Assembly.

4. In its resolution 821 (1993) of 28 April 1993, the Secu. ty Council, inter alia, recommended to the General Assembly that it decide that the Federal Republic of Yugoslavia (Serbia and Montenegro) should not participate in the work of the Economic and Social Council. In its resolution 47/229 of 29 April 1993, the General Assembly, inter alia, decided that the Federal Republic of Yugoslavia (Serbia and Montenegro) should not participate in the work of the Economic and Social Council.

5. The General Assembly did not, however, take any action to terminate the membership of the former Yugoslavia in the United Nations. On the contrary, it included the former Yugoslavia in the scales of assessments that it adopted for the periods 1995-1997 and 1998-2000, based on national income/gross national product data for Serbia and Montenegro. As successor States to the former Yugoslavia were admitted to the United Nations during the scale period 1992-1994, their initial rates of assessment were deducted from the rate of assessment initially assigned to the former Yugoslavia in 1992-1994. Their assessments in their respective years of admission were deducted from the assessments of the former Yugoslavia in those years.

6. From 27 April 1992, when the Federal Republic of Yugoslavia came into existence, until 27 October 2000, when its President submitted to the Secretary-General an application for the admission of the Federal Republic of Yugoslavia to membership in the United Nations, the Government of the Federal Republic of Yugoslavia claimed that it constituted the Government of the Member State that was the former Yugoslavia. This claim was advanced on the explicit basis that the State that was formerly known as the Socialist Federal Republic of Yugoslavia continued to exist, that that State therefore continued to be a Member of the United Nations, that the Federal Republic of Yugoslavia continued the personality under

international law of the Socialist Federal Republic of Yugoslavia, that the Federal Republic of Yugoslavia was therefore a State Member of the United Nations and that the Federal Republic was, in consequence, the same person of international law, and so the same Member State, as the former Yugoslavia.

7. In furtherance of its claim, the Government of the Federal Republic of Yugoslavia performed a large number of acts in the name of the former Yugoslavia in the period from 27 April 1992 to 27 October 2000. These included having officials of the Government of the Federal Republic of Yugoslavia represent the former Yugoslavia in the General Assembly and subsidiary organs, prior to the adoption of Assembly resolution 47/1, and in the Economic and Social Council and its subsidiary bodies, prior to the adoption of Assembly resolution 47/229. In addition, on a number of occasions, the last being on 23 June 2000, officials of the Government of the Federal Republic of Yugoslavia requested that they be invited to participate, as representatives of the former Yugoslavia, in meetings of the Security Council. From 27 April 1992 to 1 November 2000, the Government of the Federal Republic of Yugoslavia availed itself of the right of the former Yugoslavia, as a Member State, to establish and maintain missions to the United Nations at its Headquarters and Offices. It also availed itself of the right of the former Yugoslavia, as a Member State, to circulate communications as official documents of the United Nations.

8. In its resolution 55/12 of 1 November 2000, the General Assembly decided to admit the Federal Republic of Yugoslavia to membership in the United Nations. That decision necessarily and automatically terminated the membership of the former Yugoslavia in the United Nations. At that time, the former Yugoslavia had outstanding assessed contributions that had become due and payable both before and after the dissolution of the Socialist Federal Republic of Yugoslavia.

9. It should be emphasized that this note deals with the amounts outstanding in respect of assessed contributions of the former Yugoslavia. It does not deal with any amounts owed by the Federal Republic of Yugoslavia in respect of expenditures incurred by the United Nations Peace Forces for items that should have been provided without cost under the status of forces agreement. In paragraph 10 of its resolution 51/12 of 4 November 1996, the General Assembly urged the Secretary-General to convey its concerns to the Governments concerned as well as its request that the Governments reimburse the combined Forces for those expenditures. The Assembly also requested the Secretary-General to withhold settlement of claims submitted by the Governments concerned until the matter of the expenditures was resolved. Full details of amounts owed were provided in section III of the report of the Secretary-General of 17 March 2000 (A/54/803). All amounts owed by Croatia, the Federal Republic of Yugoslavia, Bosnia and Herzegovina and the former Yugoslav Republic of Macedonia remain outstanding.

II. Arrears of the former Yugoslavia

10. On 1 November 2000, when it ceased to be a Member State, the former Yugoslavia had outstanding assessed contributions totalling $16,226,613, a credit of $1,846 in the special account for the United Nations Transition Assistance Group and an advance of $26,000 to the Working Capital Fund for 2000-2001. No further assessments have been issued for the former Yugoslavia since 1 November 2000. On

14 June 2001, the General Assembly authorized the allocation of credits in respect of the unencumbered balances of peacekeeping accounts for prior periods, for which assessments had been issued for the former Yugoslavia. Its share of these credits totalled a net $8,058. Application of this amount brought to $16,218,555 the total amount of outstanding assessed contributions for the former Yugoslavia. The details of these amounts are shown in the table in appendix I.

11. As the former Yugoslavia also ceased to exist on 1 November 2000, it is clearly not possible to look to that State for settlement of its outstanding assessed contributions.

12. In identifying where responsibility lies for payment of those outstanding contributions and in what amounts, it is necessary to make a distinction between, on the one hand, the debts that were outstanding to the charge of the former Yugoslavia at the date of the dissolution of the Socialist Federal Republic of Yugoslavia and, on the other hand, the debts that were outstanding to the charge of the former Yugoslavia on the date that it ceased to be a Member of the United Nations, on 1 November 2000.

13. In accordance with the rules of general international law regarding the succession of States in respect of State debts, the United Nations may decide to look to the five successor States of the Socialist Federal Republic of Yugoslavia for payment of that part of the debts of the former Yugoslavia that accrued to its charge prior to the dissolution of the Socialist Federal Republic of Yugoslavia.

14. As regards that part of the arrears of the former Yugoslavia that accrued to its charge subsequent to the dissolution of the Socialist Federal Republic of Yugoslavia, those debts have not passed to the charge of any other State by operation of the rules of general international law regarding the succession of States in respect of State debts, no succession of States having taken place between the former Yugoslavia and any other State when the former Yugoslavia ceased to exist on 1 November 2000. As noted above, however, the previous Government of the Federal Republic of Yugoslavia repeatedly claimed to represent the former Yugoslavia. Indeed, that Government claimed that the Federal Republic of Yugoslavia was the same person of international law, and so the same Member State, as the former Yugoslavia. On that basis, the Federal Republic of Yugoslavia may now be considered to be estopped from denying responsibility for the liabilities of the former Yugoslavia arising after the dissolution of the Socialist Federal Republic of Yugoslavia but before the former Yugoslavia ceased to be a Member of the United Nations on 1 November 2000. On that basis, the United Nations might seek payment from the Federal Republic of Yugoslavia of assessments that became due from and payable by the former Yugoslavia after the final dissolution of the Socialist Federal Republic of Yugoslavia and that remained unpaid as of 1 November 2000.

15. Should the General Assembly decide to seek payment from the five successor States of the former Yugoslavia of that part of the arrears of the former Yugoslavia that accrued to its charge prior to the dissolution of the Socialist Federal Republic of Yugoslavia, it is the Secretariat's understanding that the distribution of assets and liabilities of the Socialist Federal Republic of Yugoslavia would be based in part on each State's date of succession to the former Yugoslavia — that is, the dates on which the successions of States took place between the Socialist Federal Republic of Yugoslavia and each of its successor States — and in part on the relative shares of the successor States — that is, the relative proportions of the debt of the former

Yugoslavia that it is considered should equitably pass to each of the successor States of the Socialist Federal Republic of Yugoslavia.

16. In that event, as the dissolution of the Socialist Federal Republic of Yugoslavia did not take place all at one instant, but, rather, was a process of gradual disintegration that took place over a period of time, the Secretariat anticipates that the dates of succession of the five successor States used for the purpose of allocation of arrears would be different. Each successor State would presumably be responsible for its relative share — its equitable proportion — of the former Yugoslavia's unpaid assessed contributions that were due and payable on the date of its succession to the Socialist Federal Republic of Yugoslavia. The balance would remain the responsibility of the former Yugoslavia and would then fall to be apportioned between it and the next successor State to have succeeded to the Socialist Federal Republic of Yugoslavia, together with subsequent assessments and credits that became due and payable by the date of its succession. Were this approach to be taken, some accounting adjustments would be necessary as payments and credits in respect of the former Yugoslavia have been applied to the oldest outstanding arrears in each case, in accordance with financial regulation 5.6.

III. Dates of succession to the Socialist Federal Republic of Yugoslavia

17. According to the rules of general international law concerning the succession of States, the proportion of the debt of a predecessor State that passes to a successor State is an equitable proportion of that debt that existed to the charge of the predecessor State at the date on which the succession of States between the predecessor State and the successor State took place. The dates of successions of the five successor States are therefore an important factor for the General Assembly to take into account if it chooses to consider making any claims on the successor States in this regard. In the case in hand, the dates on which the successions of States took place between the Socialist Federal Republic of Yugoslavia and each of its successor States are the dates on which those successor States came into existence. At present, there is no decision by a competent political organ of the United Nations on these dates.[1] If the General Assembly were to seek the advice of the Secretariat with regard to possible claims on the five successor States, therefore, it would need to provide guidance to the Secretariat on the dates of succession that should be used for each of the five successor States to the Socialist Federal Republic of Yugoslavia.

18. In this connection, in its Opinion No. 11 of 16 July 1993, the Arbitration Commission of the International Conference on the Former Yugoslavia advised the Co-Chairmen of the Steering Committee of the International Conference that it was of the view that the dates on which the successor States of the Socialist Federal Republic of Yugoslavia came into existence were as follows:

Croatia	8 October 1991
Slovenia	8 October 1991
The former Yugoslav Republic of Macedonia	17 November 1991
Bosnia and Herzegovina	6 March 1992
Federal Republic of Yugoslavia	27 April 1992

This opinion is not binding on the United Nations, however, and it should be noted that the successor States themselves have advised the Secretary-General, in his

capacity as depositary of multilateral treaties, of their respective dates of succession as follows:

Slovenia	25 June 1991
The former Yugoslav Republic of Macedonia	17 September 1991
Croatia	8 October 1991
Bosnia and Herzegovina	6 March 1992
Federal Republic of Yugoslavia	27 April 1992

IV. Relative shares of the successor States

19. As regards that part of the arrears of the former Yugoslavia that accrued to its charge prior to the dissolution of the Socialist Federal Republic of Yugoslavia, another factor for the General Assembly to take into account, if it chooses to make any claims on the successor States of the Socialist Federal Republic of Yugoslavia in respect of those debts, is the relative shares that should be applied for the five successor States — that is, the fixing of the equitable proportion of those debts of the former Yugoslavia that passes to each.

20. In this connection, it may be recalled that Bosnia and Herzegovina, Croatia, Slovenia and the former Yugoslav Republic of Macedonia were admitted to membership in the United Nations during the period of the scale of assessments for 1992-1994. Upon the recommendation of the Committee on Contributions, the General Assembly decided that the assessment rates fixed for the new Member States should be deducted from the rate of assessment earlier established for the former Yugoslavia (0.42 per cent); it also decided that the assessments for these Member States in the year of their admission should be deducted from the assessments of the former Yugoslavia.[2] The assessment rates fixed for the four successor States during the relevant parts of the scale period were:

	Assessment rates (percentage of scale)	*Percentage*
Bosnia and Herzegovina	0.04	9.5
Croatia	0.13	31.0
Slovenia	0.09	21.4
The former Yugoslav Republic of Macedonia	0.02	4.8

The residual amount of 0.14 per cent of the scale (33.3 per cent of total) remained with the former Yugoslavia.

21. The General Assembly may also wish to note that, in an agreement on succession issues signed by the five successor States on 29 June 2001 (which is yet to enter into force), the following proportions were fixed for the five States in respect of the external debts of the Socialist Federal Republic of Yugoslavia (with the exception of those debts for which specific provision is made in or under that agreement):

	Percentage
Bosnia and Herzegovina	15.5
Croatia	23.0
Slovenia	16.0
The former Yugoslav Republic of Macedonia	7.5
The Federal Republic of Yugoslavia	38.0

V. Views of the successor States

22. In order to assist the General Assembly in considering this matter, the Secretariat requested the Permanent Representatives of the five successor States of the Socialist Federal Republic of Yugoslavia to indicate the views of their Governments on this matter. In a joint reply, dated 7 September 2001, the five Permanent Representatives indicated their common view that the remaining arrears of the former Yugoslavia should be written off. The text of their letter is attached in appendix II. A further joint reply, dated 19 November 2001, reiterated the view of the five successor States that the contributions assessed to the former Yugoslavia should be written off. The text of this letter is attached in appendix III.

VI. Conclusions

23. As the arrears of assessed contributions of the former Yugoslavia are not collectible from that State, the General Assembly will need to decide what action should be taken.

24. In this connection, and consistent with the position of the five successor States as set out in the letters contained in appendices II and III, the Assembly may wish to approve the write-off of the amounts in question.

25. Alternatively, the General Assembly might decide to seek payment from the five successor States of all or part of these arrears.

26. Should it do so, it would also need to decide:

(a) Whether the United Nations should only seek payment from the five successor States of arrears arising before the dissolution of the Socialist Federal Republic of Yugoslavia; or

(b) Whether it should also seek payment from the Federal Republic of Yugoslavia of arrears arising after the dissolution of the Socialist Federal Republic of Yugoslavia based on the principle of estoppel, as outlined above.

27. Should the General Assembly decide that the United Nations should seek payment only of arrears arising before the dissolution of the Socialist Federal Republic of Yugoslavia, rather than the full amount of the arrears, it would also need to decide on the action to be taken with regard to the balance of the arrears of the former Yugoslavia, presumably to write it off.

28. If the General Assembly decided to seek payment of all or part of the arrears of the former Yugoslavia arising before the dissolution of the Socialist

Federal Republic of Yugoslavia, it might call on the five successor States to negotiate an agreement between each other on which of them is to meet the debts arising, and in what amounts. If such an agreement were reached between the five successor States, it would be necessary for the General Assembly to decide to accept its terms before it became binding upon the Organization.

29. If the General Assembly decided to seek payment of all or part of the arrears of the former Yugoslavia arising before the dissolution of the Socialist Federal Republic of Yugoslavia and the successor States did not reach agreement within a reasonable period on their respective responsibilities in that regard, the United Nations might claim payment from each of them of an amount that it considered constituted an equitable portion of those arrears. If it decided to seek payment of all or part of the arrears of the former Yugoslavia arising before the dissolution of the Socialist Federal Republic of Yugoslavia, the General Assembly might also wish to decide when it would consider claiming payment in this manner.

30. If the General Assembly did decide to consider claiming payment from the five successor States and required related information from the Secretariat, the Secretariat would need guidance on the dates of their succession to the Socialist Federal Republic of Yugoslavia and on the relative shares that should be applied for the five States.

Notes

[1] These dates are to be distinguished from the dates on which the successor States were admitted to membership in the United Nations. Those latter dates are necessarily subsequent to those on which those States each acquired statehood under international law. The dates on which the successor States of the Socialist Federal Republic of Yugoslavia were admitted to membership in the United Nations are as follows:

Bosnia and Herzegovina	22 May 1992
Croatia	22 May 1992
Slovenia	22 May 1992
The former Yugoslav Republic of Macedonia	8 April 1993
Federal Republic of Yugoslavia	1 November 2000

[2] See *Official Records of the General Assembly, Forty-seventh Session, Supplement No. 11* (A/47/11) and ibid., *Forty-eighth Session, Supplement No. 11* (A/48/11). See also decision 47/456 and resolution 48/223A.

Appendix I

Outstanding contributions of the former Yugoslavia at 31 October 2000 (adjusted for credits in 2001)

(United States dollars)

Regular budget	11 235 656.00
Peacekeeping operations	
ONUC	333 269.00
UNEF (1956)	7 598.00
UNDOF/UNEF (1973)	97 577.00
UNIFIL	495 968.50
UNIIMOG	5 672.50
UNAVEM/MONUA	278 286.00
UNTAG	–
UNIKOM	123 107.00
MINURSO	164 455.00
ONUSAL/ONUCA	125 622.00
UNTAC/UNAMIC	689 251.00
UNPROFOR	1 260 860.00
UNOSOM	474 815.00
ONUMOZ	149 030.00
UNFICYP	27 998.00
UNOMIG	16 807.00
UNMIH	67 541.00
UNOMIL	23 488.00
UNAMIR/UNOMUR	122 210.00
UNMLT	143.00
UNMOT	7 384.00
UNMIBH	83 773.00
UNTAES/CPSG	90 247.00
UNPREDEP	24 751.00
UNSMIH/UNTMIH/MIPONUH	17 563.00
MINUGUA	741.00
MINURCA	10 187.00
UNOMSIL/UNAMSIL	29 490.00
UNMIK	32 080.00
UNAMET	1 938.00
UNTAET	25 876.00
MONUC	10 222.00
Peacekeeping, total	**4 797 950.00**
International Tribunals	
Former Yugoslavia	110 092.00
Rwanda	74 857.00
Tribunals, total	**184 949.00**
Total	**16 218 555.00**

Appendix II

Letter dated 7 September 2001 from the Permanent Representatives of Bosnia and Herzegovina, Croatia, Slovenia, the former Yugoslav Republic of Macedonia and Yugoslavia, addressed to the Under-Secretary-General for Management

Upon instructions from our Governments, we are answering your letter of 27 July 2001 and conveying to you our joint position concerning the outstanding assessed contributions of the former Socialist Federal Republic of Yugoslavia. As confirmed by relevant Security Council and General Assembly resolutions, the State known as the Socialist Federal Republic of Yugoslavia has ceased to exist and has been succeeded by five equal successor States, which have been admitted as new States Members of the United Nations. Since their admission to the United Nations, the new States have been assessed for the contributions and have duly paid them. In the past, some successor States already indicated in their official statements that there is no basis for the assessment of a contribution for a State, which has ceased to exist. Therefore, all five successor States, which are States Members of the United Nations and pay their assessed contributions, believe that these arrears should be written off.

(*Signed*) Husein **Živalj**
Permanent Representative of Bosnia and Herzegovina to the United Nations

(*Signed*) Ivan **Šimonović**
Permanent Representative of the Republic of Croatia to the United Nations

(*Signed*) Srgjan **Kerim**
Permanent Representative of the Republic of Macedonia to the United Nations

(*Signed*) Ernest **Petrič**
Permanent Representative of the Republic of Slovenia to the United Nations

(*Signed*) Dejan **Šahović**
Permanent Representative of Federal Republic of Yugoslavia to the United Nations

Appendix III

Letter dated 19 November 2001 from the Permanent Representatives of Bosnia and Herzegovina, Croatia, Slovenia, the former Yugoslav Republic of Macedonia and Yugoslavia, addressed to the Under-Secretary-General for Management

Following our letter of 7 September 2001 and upon instructions from our Governments, we would like once again to convey to you our joint position regarding the outstanding assessed contributions of the former Socialist Federal Republic of Yugoslavia.

The State known as Socialist Federal Republic of Yugoslavia has ceased to exist and was succeeded by five equal successor States, none of which continued its legal personality. This fact was confirmed by relevant Security Council and General Assembly resolutions of 1992. Although a dissolved State, which evidently no longer existed, should have ceased to be a member of the United Nations ipso facto, Socialist Federal Republic of Yugoslavia continued to be assessed for the contributions.

The dissolution of the former Socialist Federal Republic of Yugoslavia was a continuing process. The exact date when the successor States became independent is different for each of them and no precise date of the dissolution can be determined.

This situation should have been appropriately reflected in the decisions of the United Nations, including those regarding the assessment of contributions. All five successor States were admitted as new Member States to the United Nations and have since paid their assessed contributions.

The dissolution of the former Socialist Federal Republic of Yugoslavia was unique and indeed no identical precedent existed before. All the previous cases (for example the break-up of the former Union of Soviet Socialist Republics or Czechoslovakia) were different and so the legal consequences were different and it is quite unlikely the same situation could occur again. However, if a similar situation occurs, the United Nations should find a way to address it in an appropriate manner.

Keeping the Socialist Federal Republic of Yugoslavia, the dissolved State, on the list of the scale of assessments was a misleading approach, which should bear no legal consequences on other Member States. Therefore, all five successor States, after having carefully considered the suggestions presented in your letter of 27 July 2001, wish to reiterate their joint position that the contributions assessed to the former Socialist Federal Republic of Yugoslavia should be written off.

(*Signed*) Mirza **Kusljugić**
Permanent Representative of Bosnia and Herzegovina to the United Nations

(*Signed*) Ivan **Šimonović**
Permanent Representative of the Republic of Croatia to the United Nations

(*Signed*) Srgjan **Kerim**
Permanent Representative of the Republic of Macedonia to the United Nations

(*Signed*) Ernest **Petrič**
Permanent Representative of the Republic of Slovenia to the United Nations

(*Signed*) Dejan **Šahović**
Permanent Representative of Federal Republic of Yugoslavia to the United Nations

United Nations A/56/768

General Assembly

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Fifty-sixth session
Agenda items 20 (f) and 43

Strengthening of the coordination of humanitarian and disaster relief assistance of the United Nations, including special economic assistance: emergency international assistance for peace, normalcy and reconstruction of war-stricken Afghanistan

The situation in Afghanistan and its implications for international peace and security

Letter dated 9 January 2002 from the Permanent Representative of Uzbekistan to the United Nations addressed to the Secretary-General

Fully supporting General Assembly resolution 56/220 of 21 December 2001, the Republic of Uzbekistan consecutively implements the provisions of the resolution by facilitating the work of the United Nations humanitarian operations based in Uzbekistan in order to ensure an efficient delivery of emergency aid into Afghanistan.

Guided by the aims and objectives of the resolution, H.E. Mr. Islam Karimov, President of the Republic of Uzbekistan, on 3 January 2002 signed a decree which makes provision for the participation of Uzbekistan in the efforts of the world community aimed at the rehabilitation of Afghanistan (see annex).

The decree established a post of Special Representative of the President of the Republic of Uzbekistan on Afghanistan, as well as a Working Group of the Government of Uzbekistan to work out proposals on using the potential and capacities of the Republic of Uzbekistan in the realization of concrete projects for the reconstruction of Afghanistan.

The establishment of this post manifests the aspiration of the Republic of Uzbekistan to contribute to the cooperation between the United Nations system and the international community in rendering humanitarian assistance and the realization of reconstruction efforts in Afghanistan.

I should be grateful if you would have the text of the letter and its annex circulated as a document of the General Assembly, under agenda items 20 (f) and 43.

(*Signed*) Alisher **Vohidov**
Permanent Representative

02-20871 (E) 110102 110102

Annex to the letter dated 9 January 2002 from the Permanent Representative of Uzbekistan to the United Nations addressed to the Secretary-General

[Original: Russian]

Decree of the President of the Republic of Uzbekistan

on the appointment of Mr. S. S. Safaev, First Deputy Minister for Foreign Affairs, as Special Representative on Afghanistan of the President of the Republic of Uzbekistan

In order to develop the relations of good-neighbourliness and mutually advantageous cooperation between the Republic of Uzbekistan and the Islamic State of Afghanistan and ensure the participation of the Republic of Uzbekistan in the efforts of the international community for the rehabilitation of Afghanistan:

1. Mr. S. S. Safaev, First Deputy Minister for Foreign Affairs, is hereby appointed Special Representative on Afghanistan of the President of the Republic of Uzbekistan;

2. Within one week, the Ministry of Foreign Affairs of the Republic of Uzbekistan shall submit a draft statute concerning the Special Representative on Afghanistan of the President of the Republic of Uzbekistan;

3. A working group to formulate proposals for using the potential and capacities of the Republic of Uzbekistan in carrying out specific rehabilitation projects in Afghanistan, with the composition shown in the annex, shall be established under the Special Representative on Afghanistan of the President of the Republic of Uzbekistan;

4. The Ministry of Foreign Affairs of the Republic of Uzbekistan shall inform international organizations and foreign policy departments of donor countries participating in the rehabilitation process for Afghanistan of the appointment of the Special Representative on Afghanistan of the President of the Republic of Uzbekistan.

I. **Karimov**
President of the Republic of Uzbekistan

Tashkent, 3 January 2002

United Nations A/56/769–S/2002/28

General Assembly
Security Council

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10 January 2002

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General Assembly
Fifty-sixth session
Agenda items 33 and 62

Security Council
Fifty-seventh year

Return or restitution of cultural property to the countries of origin

Question of Cyprus

Letter dated 9 January 2002 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

I have the honour to transmit a letter dated 9 January 2002, addressed to you by His Excellency Mr. Aytuğ Plümer, Representative of the Turkish Republic of Northern Cyprus (see annex).

I should be grateful if the present letter and its annex were circulated as a document of the General Assembly, under agenda items 33 and 62, and of the Security Council.

(*Signed*) Ümit **Pamir**
Ambassador
Permanent Representative

02-21041 (E) 150102

Annex to the letter dated 9 January 2002 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

I have the honour to refer to the statement made by the Greek Cypriot representative at the United Nations during the fifty-sixth session of the General Assembly, on 10 December 2001 under agenda item 33. The statement in question contains unfounded allegations against the Turkish Republic of Northern Cyprus on the subject of preservation of cultural property.

I would like to emphasize that the Turkish Republic of Northern Cyprus takes pride in its efforts to protect the cultural heritage of the island, utilizing its limited resources in the most effective way in maintaining and restoring all sites and monuments, irrespective of their historical and religious origins. For those incessant efforts, Turkish Cypriot authorities have received praise from foreign experts and observers who have visited the island on various occasions to study the situation. In addition to the restoration of archaeological monuments, sites have been put into everyday use, wherever applicable, in line with the universally accepted criteria and methods. The Rapporteur of the Committee of the Council of Europe, Ms. Vlasta Stepova, witnessed those efforts at first hand during her visit to the Turkish Republic of Northern Cyprus in October 1999. She visited, among other places, the St. Barnabas Monastery near Gazi Magosa, which is in use as a museum, and the ancient ruins of the city of Salamis, which is used as a venue for cultural events. She also praised the use of the Bellapais Monastery near Girne as a venue for concerts and exhibitions for the benefit of the public.

Greek Cypriot allegations of "plundering of cultural heritage" in Northern Cyprus have already been refuted by foreign experts and observers. The Rev. John B. Taylor, a distinguished member of the World Council of Churches, who visited Northern Cyprus in 1974 and 1975, found no evidence to support any of the Greek Cypriot allegations. Such observers as Jacques Dalibard of the United Nations Educational, Scientific and Cultural Organization, the Rev. Lars Carlzen, the Bishop of Stockholm and Senator Van Der Werff of the Council of Europe have all visited Northern Cyprus on different occasions and have made it publicly known that the Turkish Cypriot authorities are doing their utmost to protect the cultural heritage of the country.

The Greek Cypriot representative has stated that the island has an immense cultural heritage that "we have an obligation to protect and bequeath to future generations". Unfortunately, those words are not borne out by the actual deeds of the Greek Cypriot administration. Between 1963 and 1974, 103 mosques and other Turkish-Islamic shrines and antiquities all around the island were deliberately destroyed by the Greek Cypriots. The historic Bayraktar Mosque, which stands as a symbol of centuries-old Turkish-Islamic heritage of the island, has been the target of bombing and arson attacks over the years. It was bombed in 1962 and again in 1964. It sustained an arson attack in February 1994. The 400-year-old Araplar Mosque was attacked with explosives in March 1994. The historic Omeriye Mosque was the target of an arson attack in August 1996 that damaged its historic structure. In August 1999, the Hala Sultan Tekke, a most prominent holy shrine for the Muslim world, came under attack when its door was forced open by Greek Cypriot arsonists who poured petrol over the interior surface and set it ablaze.

In addition to such blatant acts of wilful destruction, the remaining Turkish architectural sites in Southern Cyprus in general are faced with the threat of disintegration due to the lack of any effort for their preservation on the part of the Greek Cypriot authorities.

Against that background, we hope that the international community will urge the Greek Cypriot administration to abandon its double standards with respect to the cultural heritage of the island and instead to show respect for the ethnic and cultural identity of the Turkish Cypriot people, in line with the necessary spirit of accommodation for facilitating an early settlement between the two States in Cyprus.

(*Signed*) Aytuğ **Plümer**
Representative
Turkish Republic of Northern Cyprus

United Nations A/56/770

General Assembly

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Fifty-sixth session
Agenda item 13
Report of the International Court of Justice

Note verbale dated 9 January 2002 from the Permanent Mission of Costa Rica to the United Nations addressed to the Secretary-General

The Permanent Mission of Costa Rica presents its compliments to the Secretary-General of the United Nations, in his capacity as depositary of the declarations provided for in Article 36, paragraph 2, of the Statute of the International Court of Justice, and has the honour to transmit herewith a letter from Mr. Roberto Rojas, Minister for Foreign Affairs and Worship of Costa Rica, whereby the Government of Costa Rica presents a formal objection to the "reservation" formulated by the distinguished Government of Nicaragua to its acceptance of the compulsory jurisdiction of the Court, communicated by its note MRE/DM-/1081/10/01 and transmitted to the Member States by notification C.N.1157.2001.TREATIES-1.

The Permanent Mission of Costa Rica would be grateful if this note and the letter annexed hereto could be transmitted to the secretariat of the International Court of Justice and to the States parties to its Statute, and if they could be issued as a document of the General Assembly under the agenda item relating to the consideration of the report of the International Court of Justice.

The Permanent Mission of Costa Rica takes this opportunity to convey to the Secretary-General the renewed assurances of its highest consideration.

02-20970 (E) 230102 240102

Annex to the note verbale dated 9 January 2002 from the Permanent Mission of Costa Rica to the United Nations addressed to the Secretary-General

18 December 2001

I have the honour to write to you in your capacity as depositary of the declarations provided for in Article 36, paragraph 2, of the Statute of the International Court of Justice, with reference to note MRE/DM-/1081/10/01, which the Minister for Foreign Affairs of Nicaragua transmitted to you on 24 October 2001.

On 24 September 1929, the Republic of Nicaragua recognized, unconditionally, the compulsory jurisdiction of the Permanent Court of International Justice. That declaration was deemed transferable to the jurisdiction of the International Court of Justice by virtue of Article 36, paragraph 5, of the Statute of the Court. On various occasions, Nicaragua has used this optional declaration to bring proceedings before the International Court of Justice. In the *Military and Paramilitary Activities In and Against Nicaragua* case between Nicaragua and the United States of America, the Court found that this declaration was valid.[1]

The above-mentioned note from the Minister for Foreign Affairs of Nicaragua, dated 24 October 2001, represents a casuistic attempt by the Nicaraguan Government to modify its voluntary declaration of unconditional acceptance of the compulsory jurisdiction of the International Court of Justice as follows:

> "Nicaragua will not accept [as from 1 November 2001] the jurisdiction or competence of the International Court of Justice in relation to any matter or claim based on interpretations of treaties or arbitral awards that were signed and ratified or made, respectively, prior to 31 December 1991".

The Government of Costa Rica considers that this purported "reservation" is not permissible for the following reasons: (a) public international law does not recognize the right to formulate reservations *a posteriori* to unconditional declarations of acceptance of the jurisdiction of the International Court of Justice; (b) Nicaragua is unable to formulate this "reservation" by virtue of its unilateral declarations before the same Court with respect to the nature of its acceptance of compulsory jurisdiction and the possibility of modifying it; (c) even if this reservation were permissible, which it is not, the lack of a reasonable time period for its entry into force renders such a "reservation" contrary to the principle of good faith in international relations. In addition, it is worth noting that the foregoing is supported by the provision of the Vienna Convention on the Law of Treaties contained in article 2, paragraph 1 (d), on the meaning of a reservation. Moreover, the provision contained in article 20, paragraph 3, of that Convention should also be borne in mind with respect to the formulation of a reservation to a treaty which is a constituent instrument of an international organization.

I must point out that the note to which my Government objects was not transmitted spontaneously. Rather, it represents a reaction to the fact that my Government has included an item in the national budget to cover the cost of the

[1] *Military and Paramilitary Activities In and Against Nicaragua (Nicaragua v. United States of America), Jurisdiction and Admissibility, I.C.J. Reports 1984*, p. 441, para. 110.

possible filing of a claim by Costa Rica against Nicaragua before the International Court of Justice for its failure to abide by the provisions agreed upon by both countries in the Cañas-Jerez Treaty of 1858 and the Cleveland Award of 1888. Both instruments were signed and ratified during the period which Nicaragua now seeks to exclude from the Court's jurisdiction by means of the above-mentioned reservation. However, in its haste, it has overlooked the fact that, on 21 February 1949, the Government of Nicaragua signed a Pact of Amity with Costa Rica. Article III of that instrument reflects the commitment to apply the American Treaty on Pacific Settlement. Nicaragua has also failed to consider that, on 9 January 1956, as a corollary to the 1949 Pact of Amity, Nicaragua and Costa Rica signed, at the Pan American Union in Washington, an agreement to facilitate and expedite traffic on the San Juan River within the terms of the Treaty of 15 April 1858 and its interpretation given by arbitration on 22 March 1888. Both instruments were ratified in due course by both countries. The purported reservation also fails to include the judgement pronounced on 20 September 1916 by the Central American Court of Justice. The 1916 judgement of the Central American Court of Justice, the 1949 Pact of Amity and the 1956 agreement reinforce a set of legal rules which must be respected.

I. International law does not give Nicaragua the right to formulate reservations *a posteriori* to its unconditional declaration of acceptance of the jurisdiction of the International Court of Justice

In the judgement on the jurisdiction of the International Court of Justice pronounced in the *Military and Paramilitary Activities In and Against Nicaragua* case, the Court indicated that States could not modify their acceptance of the Court's compulsory jurisdiction as they pleased, but were bound by the terms of their declarations.[2]

The Court noted, in particular, that the right to terminate declarations with indefinite duration was far from established in international law.[3]

Nicaragua itself has recognized that contemporary international law does not give States the power to modify unilaterally their optional declarations of acceptance of the compulsory jurisdiction of the International Court of Justice when such declarations are unconditional.

In its written pleadings in the *Border and Transborder Armed Actions* case between Nicaragua and Honduras, Nicaragua stated categorically that a State bound by an optional declaration could not modify or denounce that declaration.[4] Nicaragua claimed that the declaring State was bound by the terms of the optional declaration and that, by virtue of the principle of good faith, it could not seek to disengage unilaterally from the obligations it had acquired in making that declaration.[5]

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[2] Ibid., p. 418, para. 59.

[3] Ibid., p. 420, para. 63: "But the right of immediate termination of declarations with indefinite duration is far from established (...)".

[4] *Counter-memorial of Nicaragua (Jurisdiction and Admissibility), I.C.J. Pleadings, Border and Transborder Armed Actions (Nicaragua v. Honduras)*, vol. I, p. 297, para. 54.

[5] Ibid., p. 298, para. 59.

Nicaragua argued that that rule arose from an analogous application of the customary principles of the law of treaties. Nicaragua indicated that the principles incorporated into the Vienna Convention on the Law of Treaties were applicable to voluntary declarations of acceptance of the Court's jurisdiction in respect of denunciation and reservation, meaning that such declarations could not be modified unless the declaring State had previously reserved that right.[6] Lastly, Nicaragua maintained that State practice showed that a State could modify an optional declaration only when it reserved the right to do so at the time it made the original declaration.[7]

In its written pleadings in the jurisdictional phase of the *Military and Paramilitary Activities* case, Nicaragua argued that the legality of a purported modification depended on the intention of the declaring State at the time of making the original optional declaration. If the declaring State did not expressly reserve the right to make modifications, that State did not have the power to change its declaration or to formulate reservations.[8]

Insofar as the declaration of acceptance of the compulsory jurisdiction of the International Court of Justice made by Nicaragua in 1929 does not include any conditions or time limits, nor does it expressly reserve the right to modify its content, Nicaragua has no right to formulate reservations to its acceptance of the Court's compulsory jurisdiction.

2. Nicaragua, by virtue of its public unilateral declarations before the Court with respect to the nature of its optional declaration and the possibility of modifying it, cannot formulate any reservations

In a number of unilateral declarations, Nicaragua has recognized that its own declaration of acceptance of the Court's compulsory jurisdiction cannot be modified in any way.

In its written pleadings in the *Military and Paramilitary Activities* case, Nicaragua pointed out that its 1924 declaration could not be terminated or modified without prior notice and that any withdrawal or modification of the declaration must be based on the principles of the law of treaties.[9] What is more, Nicaragua indicated categorically that the assumption that its declaration could be modified without prior notice was unfounded in the law relating to consensual legal obligations arising from optional declarations.[10] In the same case, Nicaragua argued against the possibility of unilaterally modifying declarations of acceptance of the Court's compulsory jurisdiction. Nicaragua based its arguments both on the writings of the most distinguished legal experts[11] and on considerations of principle. Nicaragua noted that the existence of a universal right of unilateral modification of optional

[6] Ibid., p. 304, para. 82.

[7] Ibid., p. 303, paras. 78 and 79.

[8] *Memorial of Nicaragua (Questions of Jurisdiction and Admissibility), I.C.J. Pleadings, Military and Paramilitary Activities In and Against Nicaragua (Nicaragua v. United States of America)*, vol. I, p. 393, para. 122.

[9] Ibid., p. 398, para. 142.

[10] Ibid., p. 397, para. 140.

[11] Ibid., pp. 394 and 396-397, paras. 127, 130 and 137.

declarations would violate the system of optional clauses in the Statute and would essentially eliminate the compulsory nature of the Court's jurisdiction.[12]

These arguments demonstrate both Nicaragua's intention that its 1929 declaration of acceptance of the Court's compulsory jurisdiction should not be subject to any modification or denunciation and its repeated contention that the unilateral modification of such declarations, in the absence of a previous reservation, is contrary to international law. This acknowledgement of the legal situation is binding on Nicaragua. Under the principles of estoppel and good faith, Nicaragua cannot, at this time, reverse those positions.

Accordingly, Costa Rica considers that Nicaragua cannot now claim to modify unilaterally its unconditional acceptance of the voluntary jurisdiction of the Court by means of a purported "reservation".

3. Even if Nicaragua had the right to formulate a reservation to its optional declaration, which it does not, the lack of a reasonable time period for its entry into force renders such a "reservation" null and void

In the *Military and Paramilitary Activities* case, the International Court of Justice indicated that, while the right to denounce declarations without limit of time was far from established in international law, if such a right existed, then any denunciation would, by analogy with the law of treaties, have to provide for a reasonable time period before it entered into force.[13] This principle applies, by analogy, to the introduction of changes to the voluntary acceptance of the Court's compulsory jurisdiction. Consequently, even if Nicaragua could modify its optional declaration by means of a reservation, which is not the case, then such a modification would have to be subject to a reasonable time period, by virtue of the principle of good faith.

It should be noted that, in the *Border and Transborder Armed Actions* case, Nicaragua argued that only a period of at least 12 months could be considered reasonable for any modification of a declaration of voluntary acceptance of the Court's jurisdiction.[14]

Nicaragua's purported "reservation", which my Government has analysed in this note, provides for a period of only eight days from the time of its signature by the President of Nicaragua to the time of its purported entry into force. Even if Nicaragua were legally in a position to modify its acceptance of the Court's compulsory jurisdiction, which it is not, a period of eight days would not meet the requirement of a reasonable time period for the entry into force of such a modification.

What is more, Nicaragua, by virtue of its declarations in the *Border and Transborder Armed Actions* case, would be obligated, under the principles of good faith and estoppel, to provide for a period of at least 12 months before the purported

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[12] Ibid., pp. 394-395, para. 131.

[13] *Military and Paramilitary Activities In and Against Nicaragua (Nicaragua v. United States of America), Jurisdiction and Admissibility, I.C.J. Reports 1984*, p. 420, para. 63: "... observed that from 6 to 9 April would not amount to a 'reasonable time' ".

[14] *Counter-memorial of Nicaragua (Jurisdiction and Admissibility), I.C.J. Pleadings, Border and Transborder Armed Actions (Nicaragua v. Honduras)*, vol. I, pp. 304 and 307-308, paras. 82, 83 and 96.

"reservation" could enter into force. Accordingly, the purported "reservation" formulated on 24 October 2001 cannot be considered to meet the minimum requirements imposed by the principle of good faith.

Jurisdiction of the Court and the Pact of Bogotá

Moreover, in the case of Nicaragua, as in the case of any other Latin American State party to the Pact of Bogotá, the denunciation of the Statute of the Court would not disengage it from the obligation to recognize the competence of that Court as a respondent, for the following reason:

In April 1948, the American Treaty on Pacific Settlement, better known as the Pact of Bogotá, was adopted. Costa Rica ratified it on 27 April 1949, and Nicaragua, in turn, ratified it on 26 July 1950. Accordingly, the Pact of Bogotá has been in force between Costa Rica and Nicaragua as from the latter date.

The Pact contains a definitive declaration of recognition of the compulsory jurisdiction of the Court for all disputes of a juridical nature among the States parties to the Pact. Article XXXI of the Pact says:

> "In conformity with Article 36, paragraph 2, of the Statute of the International Court of Justice, the High Contracting Parties declare that they recognize in relation to any other American State, the jurisdiction of the Court as compulsory *ipso facto*, without the necessity of any special agreement so long as the present Treaty is in force, in all disputes of a juridical nature that arise among them ...".

Therefore, since both Costa Rica and Nicaragua are ratifying parties to the Pact of Bogotá, there can be no doubt that both parties have recognized the compulsory jurisdiction of the International Court of Justice to settle any legal dispute between them.

The above-mentioned article XXXI has the legal effect of transforming the vague juridical relations arising from unilateral declarations made by the parties under the optional clause into *contractual relations which have the force and stability characteristic of an obligation arising directly from a treaty*.

Eduardo Jiménez de Aréchega, a distinguished Uruguayan jurist who had the honour to serve as President of the International Court of Justice, maintained that there were substantial differences between the exercise of the optional clause and the fact of being a party to a convention. In an opinion which he provided to Costa Rica in his capacity as adviser to our country in the 1986 *Nicaragua v. Costa Rica* case, he gave the following explanation:

> "The fundamental difference between the recognition of the Court's jurisdiction expressed by the parties to the Pact of Bogotá and that expressed by other States under the optional clause is as follows: (a) once the Pact of Bogotá has been ratified by an American State, the recognition of the Court's jurisdiction may be withdrawn only by denunciation of the Pact itself, which must be effected with at least one year's notice; and (b) the States which ratified the Pact could have introduced reservations to their recognition of the Court's jurisdiction if they had done so at the time of signature. As they did not do so with respect to the recognition of the compulsory jurisdiction of the

Court, *article XXXI became a mechanism for accepting fully the Court's jurisdiction, and is completely different in this regard from the very conditional acceptance which the majority of States have expressed through the application of the optional clause.*

"From these substantial differences, it follows that the American States parties to the Pact of Bogotá *have established a legal system among themselves whereby the optional clause has been replaced by the categorical declaration contained in article XXXI of the Pact.* The declarations made by American States in exercise of their prerogative under Article 36, paragraph 2, of the Statute of the Court only have the legal effect of establishing the tenuous relations under that clause exclusively with States *which are not Contracting Parties to the Pact of Bogotá*, but not the contractual obligation created by article XXXI to recognize, with the force of a treaty, the obligation to grant the American States parties to the Pact of Bogotá the right to bring claims against other American States before the Court at The Hague".

Consequently, even if Nicaragua's Presidential Decree revoking the unilateral declaration of 1929 in which Nicaragua recognized the jurisdiction of the Court at The Hague to settle legal disputes with any other State having expressed the same recognition were valid, which it is not, *that nation would still be bound to recognize the competence of the Court at The Hague to settle legal disputes with any other Latin American State party to the Pact of Bogotá.*

In light of the above, so long as the Pact of Bogotá is in force, Nicaragua cannot deny the competence of the International Court of Justice to hear and settle any legal dispute brought before it by Costa Rica.

For all the foregoing reasons, the Government of Costa Rica hereby presents a formal objection to the "reservation" formulated by the Government of Nicaragua, and declares that, for all intents and purposes, it will consider such reservation to be non-existent.

I should be grateful if you would transmit this document to the secretariat of the International Court of Justice and to the States parties to its Statute. Likewise, I should be grateful if you would have it circulated as a document of the General Assembly under the agenda item relating to the consideration of the report of the International Court of Justice.

(*Signed*) Roberto **Rojas**
Minister for Foreign Affairs and Worship of Costa Rica

United Nations A/56/770*

General Assembly

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Fifty-sixth session
Agenda item 13
Report of the International Court of Justice

Note verbale dated 9 January 2002 from the Permanent Mission of Costa Rica to the United Nations addressed to the Secretary-General

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The Permanent Mission of Costa Rica takes this opportunity to convey to the Secretary-General the renewed assurances of its highest consideration.

* Reissued for technical reasons.

02-20970* (E) 010202

Annex to the note verbale dated 9 January 2002 from the Permanent Mission of Costa Rica to the United Nations addressed to the Secretary-General

18 December 2001

I have the honour to write to you in your capacity as depositary of the declarations provided for in Article 36, paragraph 2, of the Statute of the International Court of Justice, with reference to note MRE/DM-/1081/10/01, which the Minister for Foreign Affairs of Nicaragua transmitted to you on 24 October 2001.

On 24 September 1929, the Republic of Nicaragua recognized, unconditionally, the compulsory jurisdiction of the Permanent Court of International Justice. That declaration was deemed transferable to the jurisdiction of the International Court of Justice by virtue of Article 36, paragraph 5, of the Statute of the Court. On various occasions, Nicaragua has used this optional declaration to bring proceedings before the International Court of Justice. In the *Military and Paramilitary Activities In and Against Nicaragua* case between Nicaragua and the United States of America, the Court found that this declaration was valid.[1]

The above-mentioned note from the Minister for Foreign Affairs of Nicaragua, dated 24 October 2001, represents a casuistic attempt by the Nicaraguan Government to modify its voluntary declaration of unconditional acceptance of the compulsory jurisdiction of the International Court of Justice as follows:

> "Nicaragua will not accept [as from 1 November 2001] the jurisdiction or competence of the International Court of Justice in relation to any matter or claim based on interpretations of treaties or arbitral awards that were signed and ratified or made, respectively, prior to 31 December 1901".

The Government of Costa Rica considers that this purported "reservation" is not permissible for the following reasons: (a) public international law does not recognize the right to formulate reservations *a posteriori* to unconditional declarations of acceptance of the jurisdiction of the International Court of Justice; (b) Nicaragua is unable to formulate this "reservation" by virtue of its unilateral declarations before the same Court with respect to the nature of its acceptance of compulsory jurisdiction and the possibility of modifying it; (c) even if this reservation were permissible, which it is not, the lack of a reasonable time period for its entry into force renders such a "reservation" contrary to the principle of good faith in international relations. In addition, it is worth noting that the foregoing is supported by the provision of the Vienna Convention on the Law of Treaties contained in article 2, paragraph 1 (d), on the meaning of a reservation. Moreover, the provision contained in article 20, paragraph 3, of that Convention should also be borne in mind with respect to the formulation of a reservation to a treaty which is a constituent instrument of an international organization.

I must point out that the note to which my Government objects was not transmitted spontaneously. Rather, it represents a reaction to the fact that my Government has included an item in the national budget to cover the cost of the

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[1] *Military and Paramilitary Activities In and Against Nicaragua (Nicaragua v. United States of America), Jurisdiction and Admissibility, I.C.J. Reports 1984*, p. 441, para. 110.

possible filing of a claim by Costa Rica against Nicaragua before the International Court of Justice for its failure to abide by the provisions agreed upon by both countries in the Cañas-Jerez Treaty of 1858 and the Cleveland Award of 1888. Both instruments were signed and ratified during the period which Nicaragua now seeks to exclude from the Court's jurisdiction by means of the above-mentioned reservation. However, in its haste, it has overlooked the fact that, on 21 February 1949, the Government of Nicaragua signed a Pact of Amity with Costa Rica. Article III of that instrument reflects the commitment to apply the American Treaty on Pacific Settlement. Nicaragua has also failed to consider that, on 9 January 1956, as a corollary to the 1949 Pact of Amity, Nicaragua and Costa Rica signed, at the Pan American Union in Washington, an agreement to facilitate and expedite traffic on the San Juan River within the terms of the Treaty of 15 April 1858 and its interpretation given by arbitration on 22 March 1888. Both instruments were ratified in due course by both countries. The purported reservation also fails to include the judgement pronounced on 20 September 1916 by the Central American Court of Justice. The 1916 judgement of the Central American Court of Justice, the 1949 Pact of Amity and the 1956 agreement reinforce a set of legal rules which must be respected.

1. International law does not give Nicaragua the right to formulate reservations *a posteriori* to its unconditional declaration of acceptance of the jurisdiction of the International Court of Justice

In the judgement on the jurisdiction of the International Court of Justice pronounced in the *Military and Paramilitary Activities In and Against Nicaragua* case, the Court indicated that States could not modify their acceptance of the Court's compulsory jurisdiction as they pleased, but were bound by the terms of their declarations.[2]

The Court noted, in particular, that the right to terminate declarations with indefinite duration was far from established in international law.[3]

Nicaragua itself has recognized that contemporary international law does not give States the power to modify unilaterally their optional declarations of acceptance of the compulsory jurisdiction of the International Court of Justice when such declarations are unconditional.

In its written pleadings in the *Border and Transborder Armed Actions* case between Nicaragua and Honduras, Nicaragua stated categorically that a State bound by an optional declaration could not modify or denounce that declaration.[4] Nicaragua claimed that the declaring State was bound by the terms of the optional declaration and that, by virtue of the principle of good faith, it could not seek to disengage unilaterally from the obligations it had acquired in making that declaration.[5]

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[2] Ibid., p. 418, para. 59.

[3] Ibid., p. 420, para. 63: "But the right of immediate termination of declarations with indefinite duration is far from established (...)".

[4] *Counter-memorial of Nicaragua (Jurisdiction and Admissibility), I.C.J. Pleadings, Border and Transborder Armed Actions (Nicaragua v. Honduras)*, vol. I, p. 297, para. 54.

[5] Ibid., p. 298, para. 59.

Nicaragua argued that that rule arose from an analogous application of the customary principles of the law of treaties. Nicaragua indicated that the principles incorporated into the Vienna Convention on the Law of Treaties were applicable to voluntary declarations of acceptance of the Court's jurisdiction in respect of denunciation and reservation, meaning that such declarations could not be modified unless the declaring State had previously reserved that right.[6] Lastly, Nicaragua maintained that State practice showed that a State could modify an optional declaration only when it reserved the right to do so at the time it made the original declaration.[7]

In its written pleadings in the jurisdictional phase of the *Military and Paramilitary Activities* case, Nicaragua argued that the legality of a purported modification depended on the intention of the declaring State at the time of making the original optional declaration. If the declaring State did not expressly reserve the right to make modifications, that State did not have the power to change its declaration or to formulate reservations.[8]

Insofar as the declaration of acceptance of the compulsory jurisdiction of the International Court of Justice made by Nicaragua in 1929 does not include any conditions or time limits, nor does it expressly reserve the right to modify its content, Nicaragua has no right to formulate reservations to its acceptance of the Court's compulsory jurisdiction.

2. Nicaragua, by virtue of its public unilateral declarations before the Court with respect to the nature of its optional declaration and the possibility of modifying it, cannot formulate any reservations

In a number of unilateral declarations, Nicaragua has recognized that its own declaration of acceptance of the Court's compulsory jurisdiction cannot be modified in any way.

In its written pleadings in the *Military and Paramilitary Activities* case, Nicaragua pointed out that its 1924 declaration could not be terminated or modified without prior notice and that any withdrawal or modification of the declaration must be based on the principles of the law of treaties.[9] What is more, Nicaragua indicated categorically that the assumption that its declaration could be modified without prior notice was unfounded in the law relating to consensual legal obligations arising from optional declarations.[10] In the same case, Nicaragua argued against the possibility of unilaterally modifying declarations of acceptance of the Court's compulsory jurisdiction. Nicaragua based its arguments both on the writings of the most distinguished legal experts[11] and on considerations of principle. Nicaragua noted that the existence of a universal right of unilateral modification of optional

[6] Ibid., p. 304, para. 82.

[7] Ibid., p. 303, paras. 78 and 79.

[8] *Memorial of Nicaragua (Questions of Jurisdiction and Admissibility), I.C.J. Pleadings, Military and Paramilitary Activities In and Against Nicaragua (Nicaragua v. United States of America)*, vol. I, p. 393, para. 122.

[9] Ibid., p. 398, para. 142.

[10] Ibid., p. 397, para. 140.

[11] Ibid., pp. 394 and 396-397, paras. 127, 130 and 137.

declarations would violate the system of optional clauses in the Statute and would essentially eliminate the compulsory nature of the Court's jurisdiction.[12]

These arguments demonstrate both Nicaragua's intention that its 1929 declaration of acceptance of the Court's compulsory jurisdiction should not be subject to any modification or denunciation and its repeated contention that the unilateral modification of such declarations, in the absence of a previous reservation, is contrary to international law. This acknowledgement of the legal situation is binding on Nicaragua. Under the principles of estoppel and good faith, Nicaragua cannot, at this time, reverse those positions.

Accordingly, Costa Rica considers that Nicaragua cannot now claim to modify unilaterally its unconditional acceptance of the voluntary jurisdiction of the Court by means of a purported "reservation".

3. Even if Nicaragua had the right to formulate a reservation to its optional declaration, which it does not, the lack of a reasonable time period for its entry into force renders such a "reservation" null and void

In the *Military and Paramilitary Activities* case, the International Court of Justice indicated that, while the right to denounce declarations without limit of time was far from established in international law, if such a right existed, then any denunciation would, by analogy with the law of treaties, have to provide for a reasonable time period before it entered into force.[13] This principle applies, by analogy, to the introduction of changes to the voluntary acceptance of the Court's compulsory jurisdiction. Consequently, even if Nicaragua could modify its optional declaration by means of a reservation, which is not the case, then such a modification would have to be subject to a reasonable time period, by virtue of the principle of good faith.

It should be noted that, in the *Border and Transborder Armed Actions* case, Nicaragua argued that only a period of at least 12 months could be considered reasonable for any modification of a declaration of voluntary acceptance of the Court's jurisdiction.[14]

Nicaragua's purported "reservation", which my Government has analysed in this note, provides for a period of only eight days from the time of its signature by the President of Nicaragua to the time of its purported entry into force. Even if Nicaragua were legally in a position to modify its acceptance of the Court's compulsory jurisdiction, which it is not, a period of eight days would not meet the requirement of a reasonable time period for the entry into force of such a modification.

What is more, Nicaragua, by virtue of its declarations in the *Border and Transborder Armed Actions* case, would be obligated, under the principles of good faith and estoppel, to provide for a period of at least 12 months before the purported

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[12] Ibid., pp. 394-395, para. 131.

[13] *Military and Paramilitary Activities In and Against Nicaragua (Nicaragua v. United States of America), Jurisdiction and Admissibility, I.C.J. Reports 1984*, p. 420, para. 63: "... observed that from 6 to 9 April would not amount to a 'reasonable time' ".

[14] *Counter-memorial of Nicaragua (Jurisdiction and Admissibility), I.C.J. Pleadings, Border and Transborder Armed Actions (Nicaragua v. Honduras)*, vol. I, pp. 304 and 307-308, paras. 82, 83 and 96.

"reservation" could enter into force. Accordingly, the purported "reservation" formulated on 24 October 2001 cannot be considered to meet the minimum requirements imposed by the principle of good faith.

Jurisdiction of the Court and the Pact of Bogotá

Moreover, in the case of Nicaragua, as in the case of any other Latin American State party to the Pact of Bogotá, the denunciation of the Statute of the Court would not disengage it from the obligation to recognize the competence of that Court as a respondent, for the following reason:

In April 1948, the American Treaty on Pacific Settlement, better known as the Pact of Bogotá, was adopted. Costa Rica ratified it on 27 April 1949, and Nicaragua, in turn, ratified it on 26 July 1950. Accordingly, the Pact of Bogotá has been in force between Costa Rica and Nicaragua as from the latter date.

The Pact contains a definitive declaration of recognition of the compulsory jurisdiction of the Court for all disputes of a juridical nature among the States parties to the Pact. Article XXXI of the Pact says:

> "In conformity with Article 36, paragraph 2, of the Statute of the International Court of Justice, the High Contracting Parties declare that they recognize in relation to any other American State, the jurisdiction of the Court as compulsory *ipso facto*, without the necessity of any special agreement so long as the present Treaty is in force, in all disputes of a juridical nature that arise among them ...".

Therefore, since both Costa Rica and Nicaragua are ratifying parties to the Pact of Bogotá, there can be no doubt that both parties have recognized the compulsory jurisdiction of the International Court of Justice to settle any legal dispute between them.

The above-mentioned article XXXI has the legal effect of transforming the vague juridical relations arising from unilateral declarations made by the parties under the optional clause into *contractual relations which have the force and stability characteristic of an obligation arising directly from a treaty*.

Eduardo Jiménez de Aréchega, a distinguished Uruguayan jurist who had the honour to serve as President of the International Court of Justice, maintained that there were substantial differences between the exercise of the optional clause and the fact of being a party to a convention. In an opinion which he provided to Costa Rica in his capacity as adviser to our country in the 1986 *Nicaragua v. Costa Rica* case, he gave the following explanation:

> "The fundamental difference between the recognition of the Court's jurisdiction expressed by the parties to the Pact of Bogotá and that expressed by other States under the optional clause is as follows: (a) once the Pact of Bogotá has been ratified by an American State, the recognition of the Court's jurisdiction may be withdrawn only by denunciation of the Pact itself, which must be effected with at least one year's notice; and (b) the States which ratified the Pact could have introduced reservations to their recognition of the Court's jurisdiction if they had done so at the time of signature. As they did not do so with respect to the recognition of the compulsory jurisdiction of the

Court, *article XXXI became a mechanism for accepting fully the Court's jurisdiction, and is completely different in this regard from the very conditional acceptance which the majority of States have expressed through the application of the optional clause.*

"From these substantial differences, it follows that the American States parties to the Pact of Bogotá *have established a legal system among themselves whereby the optional clause has been replaced by the categorical declaration contained in article XXXI of the Pact.* The declarations made by American States in exercise of their prerogative under Article 36, paragraph 2, of the Statute of the Court only have the legal effect of establishing the tenuous relations under that clause exclusively with States *which are not Contracting Parties to the Pact of Bogotá*, but not the contractual obligation created by article XXXI to recognize, with the force of a treaty, the obligation to grant the American States parties to the Pact of Bogotá the right to bring claims against other American States before the Court at The Hague".

Consequently, even if Nicaragua's Presidential Decree revoking the unilateral declaration of 1929 in which Nicaragua recognized the jurisdiction of the Court at The Hague to settle legal disputes with any other State having expressed the same recognition were valid, which it is not, *that nation would still be bound to recognize the competence of the Court at The Hague to settle legal disputes with any other Latin American State party to the Pact of Bogotá.*

In light of the above, so long as the Pact of Bogotá is in force, Nicaragua cannot deny the competence of the International Court of Justice to hear and settle any legal dispute brought before it by Costa Rica.

For all the foregoing reasons, the Government of Costa Rica hereby presents a formal objection to the "reservation" formulated by the Government of Nicaragua, and declares that, for all intents and purposes, it will consider such reservation to be non-existent.

I should be grateful if you would transmit this document to the secretariat of the International Court of Justice and to the States parties to its Statute. Likewise, I should be grateful if you would have it circulated as a document of the General Assembly under the agenda item relating to the consideration of the report of the International Court of Justice.

(*Signed*) Roberto **Rojas**
Minister for Foreign Affairs and Worship of Costa Rica

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Measures to eliminate international terrorism

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Letter dated 11 January 2002 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General

I wish to draw your attention to the latest attack committed in the course of the ongoing Palestinian campaign of terror against Israel.

Just before dawn on 9 January 2002, two Palestinian terrorists infiltrated Israeli territory by breaching a security fence separating the Gaza Strip from southern Israel, whereupon they opened fire on a nearby Israeli army position with automatic gunfire and grenades. Four Israeli soldiers were killed in the attack and two others were wounded. The terrorist organization Hamas claimed responsibility for the attack.

Yesterday's attack is merely the latest in a continuing campaign of Palestinian terror that is now nearly 16 months old. Previous attacks have been detailed in my letters dated 4 January 2002 (A/56/766-S/2002/25), 13 December 2001 (A/56/706-S/2001/1198), 4 December 2001 (A/56/678-S/2001/1150), 30 November 2001 (A/56/670-S/2001/1141), 27 November 2001 (A/56/663-S/2001/1121), 12 November 2001 (A/56/617-S/2001/1071), 5 November 2001 (A/56/604-S/2001/1048), 24 October 2001 (A/56/506-S/2001/1011), 19 October 2001 (A/56/492-S/2001/990), 17 October 2001 (A/56/483-S/2001/975), 8 October 2001 (A/56/450-S/2001/948), 5 October 2001 (A/56/444-S/2001/943), 3 October 2001 (A/56/438-S/2001/938), 24 September 2001 (A/56/406-S/2001/907), 20 September 2001 (A/56/386-S/2001/892), 17 September 2001 (A/56/367-S/2001/875), 7 September 2001 (A/56/346-S/2001/858), 4 September 2001 (A/56/331-S/2001/840), 30 August 2001 (A/56/325-S/2001/834), 27 August 2001 (A/56/324-S/2001/825), 13 August 2001 (A/56/294-S/2001/787), 9 August 2001 (A/56/286-S/2001/780), 8 August 2001 (A/56/280-S/2001/775), 6 August 2001 (A/56/272-S/2001/768), 27 July 2001 (A/56/225-S/2001/743), 26 July 2001 (A/56/223-S/2001/737), 17 July 2001 (A/56/201-S/2001/706), 13 July 2001 (A/56/184-S/2001/696), 3 July 2001 (A/56/138-S/2001/662), 2 July 2001 (A/56/131-S/2001/656), 21 June 2001 (A/56/119-S/2001/619), 19 June 2001 (A/56/98-S/2001/611), 18 June 2001 (A/56/97-S/2001/604), 13 June 2001 (A/56/92-S/2001/585), 11 June 2001 (A/56/91-S/2001/580), 4 June 2001 (A/56/85-S/2001/555), 30 May 2001 (A/56/81-S/2001/540), 25 May 2001 (A/56/80-S/2001/524), 18 May 2001 (A/56/78-

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S/2001/506), 11 May 2001 (A/56/72-S/2001/473), 9 May 2001 (A/56/69-S/2001/459), 1 May 2001 (A/55/924-S/2001/435), 23 April 2001 (A/55/910-S/2001/396), 16 April 2001 (A/55/901-S/2001/364), 28 March 2001 (A/55/863-S/2001/291), 27 March 2001 (A/55/860-S/2001/280), 26 March 2001 (A/55/858-S/2001/278), 19 March 2001 (A/55/842-S/2001/244), 5 March 2001 (A/55/821-S/2001/193), 2 March 2001 (A/55/819-S/2001/187), 14 February 2001 (A/55/787-S/2001/137), 13 February 2001 (A/55/781-S/2001/132), 2 February 2001 (A/55/762-S/2001/103), 25 January 2001 (A/55/748-S/2001/81), 23 January 2001 (A/55/742-S/2001/71), 28 December 2000 (A/55/719-S/2000/1252), 22 November 2000 (A/55/641-S/2000/1114), 20 November 2000 (A/55/634-S/2000/1108), and 2 November 2000 (A/55/540-S/2000/1065).

The State of Israel holds the Palestinian Authority responsible for yesterday's attack in the light of its continuing role in supporting and perpetrating terrorist attacks against Israel and its persistent refusal to take the necessary action against terrorist organizations. Chairman Arafat and the Palestinian leadership continue to play their duplicitous games, whereby they call for an end to violence and occasionally even condemn violence when it occurs, while continuing to actively support and harbour terrorists.

If any further evidence is needed of official Palestinian responsibility for terrorism, last week's seizure of the *Karine A*, a large ship packed with 50 tons of weaponry destined for the Palestinian territories, provides irrefutable proof. The attempt by official representatives of the Palestinian Authority to purchase and smuggle large quantities of weapons, in flagrant violation of signed agreements reached between the parties, undermines any Palestinian claims of adherence to a ceasefire. It further sends the message to Israel and the world that despite public Palestinian claims the Palestinian leadership is vigorously preparing for further violence and terrorism.

The continuation of terrorism against Israel emanating from the territories of the Palestinian Authority constitutes the greatest obstacle to the resumption of a negotiated political process. Such a process, as the parties themselves have agreed, is the only possible and acceptable way to address the needs and aspirations of both sides. Israel calls on the international community, in the context of its global campaign against terrorism, to exert maximum and unrelenting pressure on the Palestinian leadership to fulfil its obligations to fight terrorism and to ensure its compliance with international norms.

I should be grateful if you would arrange to have the present letter circulated as a document of the fifty-sixth session of the General Assembly, under agenda item 166, and of the Security Council.

(*Signed*) Yehuda **Lancry**
Permanent Representative

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Letter dated 11 January 2002 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General

Upon instructions from my Government, I have the honour to bring to your attention the recent irresponsible and reckless misinformation ploy by Israel, also referred to in the letter contained in document A/56/766-S/2002/25, with regard to the reported seizure of a ship in the Red Sea allegedly carrying arms. Contrary to the totally baseless and purely unfounded allegations levelled by the Israelis against my country, I wish to inform you that my Government has strongly denied any knowledge of or connection with the seized ship. New information from highly reliable international sources concerning the ownership of the vessel has totally discredited the Israeli campaign of defamation and fabrication against my country.

It is astonishing that Israel, immediately after the seizure of the ship and prior to any investigations, claimed knowledge of every detail, including its origin and destination, whereas other informed countries continue to express doubts about the situation surrounding the ship. The fact that they turned a blind eye to the proposal put forward by the Palestinians to form a multipartite investigating commission to look into the incident speaks for itself and clearly points to a well planned script in place. No doubt that well prepared jailhouse interviews with the crew of the ship will never bring any credibility to the scheme.

It is evident that through a massive disinformation campaign, including the dispatch of Israeli intelligence operatives to various capitals, Israel aims at exacerbating the tension in the region in a futile attempt to cover up its campaign of aggression and State terrorism against the Palestinian people and undermines the support of international public opinion for the Palestinians. We warn that further plots to advance such schemes should be impending.

The international community should once and for all put an end to the Israeli game of deceit, defamation and forgery. Israel is armed to the teeth with the state-of-the-art weapons and it constantly continues its military build-up. It is a matter of public record that Israel has unlawfully acquired nuclear capability and possesses other weapons of mass destruction, thereby endangering the entire region.

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The Islamic Republic of Iran once again and categorically rejects the Israeli allegations contained in the above-mentioned letter and expects the United Nations to hold Israel accountable for such forgeries aimed at exacerbating regional tension as well as the expansionist and militaristic policies that such misinformation campaigns intend to serve and justify.

I should be grateful if you would have this letter circulated as a document of the General Assembly, under agenda item 166, and of the Security Council.

(*Signed*) Hadi **Nejad-Hosseinian**
Ambassador
Permanent Representative